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UNIVERSITY OF ALBERTA

GUIDELINES FOR SEXUAL HARASSMENT POLICY IN CANADIAN SCHOOL DISTRICTS

BY

URSULA R. SCHAFER ©

A THESIS
SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER IN EDUCATION

DEPARTMENT OF EDUCATIONAL ADMINISTRATION

EDMONTON, ALBERTA
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UNIVERSITY OF ALBERTA

FACULTY OF GRADUATE STUDIES AND RESEARCH

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled "Guidelines for Sexual Harassment Policy in Canadian School Districts" submitted by Ursula R. Schafer in partial fulfillment of the requirements for the degree of Master of Education.

K. L. Ward, Supervisor

F. Peters

D. Massey

Date: April 23, 1990

Dedicated
to
my parents
Walter and Renate Schafer
and
my brother
Randolph Schafer

ABSTRACT

The purpose of this study was to formulate a standard guideline for sexual harassment policy that would serve the needs of school boards Canada-wide and effectively promote harassment-free environments in our schools for both employees and students. To attain this purpose it was essential to discover and analyze sexual harassment policy formats existing in major school districts in Canada.

The literature provided information on policy development models that assisted in the analysis and understanding of the process. The models proposed frameworks that had considerable overlap but each presented a slight variation in emphasis which was useful to enhance understanding of the policy development process. Policy in writing was also reviewed to emphasize that a well-written policy promotes clarity, understanding, consistency and continuity in an organization.

In the literature on sexual harassment the general finding of a relationship of unequal power between the harasser and victim was discussed. Statistics and survey results revealed the prevalence of sexual harassment in the workplace and post-secondary educational institutions. Both women and men may experience sexual harassment in the workplace and as a result the victims may experience psychological and physical trauma. There are legal implications for the employer regarding sexual harassment in the workplace and high costs in terms of health care, lost productivity, and job turnovers.

The document analysis in this descriptive research revealed that half of the school districts surveyed in major cities in Canada had sexual harassment policies. There was considerable variation in the format of the policies of the various school districts. It was apparent that some of the school districts without sexual harassment policy were aware that sexual harassment policy-making may be a consideration in the future.

In the concluding recommendations the importance of effective policy-making is emphasized. School Boards are urged to prepare a statement of commitment, the policy

statement, a definition, a program of education for prevention, complaint procedures and processes, and an evaluation of policy. Effective policy-making, education, awareness and heightened sensitivity are the keys to the prevention and effective resolution of incidents of sexual harassment.

ACKNOWLEDGEMENTS

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CHAPTER 1

Introduction and Significance of the Study

Sexual harassment is a mechanism for the subjugation and discrimination of employees, clients and students in the Canadian workplace and educational environment. It has been a growing concern in society. This concern is reflected in widespread research, in additions and changes to government policy and in Canadian law.

> Across Canada today, sexual harassment of employees is specifically prohibited by the Canadian Human Rights Act, the Canadian Labour Code and the [provincial human rights codes]. In other jurisdictions it is prohibited as a form of sexual discrimination under the respective Human Rights Statutes (Aggarwal, 1985, p. 7).

Section 15(1) of the Canadian Charter of Rights and Freedoms (1982) states:

> Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

A guide for students outlining the implications of the Charter (Secretary of State, 1985) explains that the equality rights segment of the Charter was very controversial and was delayed from coming into effect until April 17, 1985. The postponement was a result of many provinces opposing the anti-discrimination clause because they felt their provincial human rights codes were protection enough against prejudice. Organizations and womens' groups were opposed to the delays which resulted in a compromise whereby another equality provision was added to the *Charter* to overcome the delay. It reads, "Notwithstanding anything in this *Charter*, the rights and freedoms referred to in it are guaranteed equally to male and female persons (Section 28)" (p. 13).

This recognition in our laws reflects the damaging effects of sexual harassment. It also represents an effort to readjust certain common practices which have traditionally appeared to be acceptable social behavior. Beneficial changes in social behavior can be cajoled by policy formation which, hopefully unobtrusively, will dictate renewed, more positive forms of behavior. In school, perhaps more than in any other workplace, the treatment of sexual harassment policy must accomplish two things in order to counteract culturally ingrained sexual discrimination that can be subtle as well as overt. First, it must identify and define sexual harassment in terms of the peculiarities of the workplace to which it applies. Second, it must clearly define corrective actions, alternatives to these instances of objectionable sexual discrimination.

In response to the court cases involving sexual harassment incidents, the detrimental impact of publicity surrounding such cases, and the outcry by women and women's organizations, government, businesses, organizations, and post-secondary institutions are developing policies to encourage harassment free working and learning environments.

In the education realm it is at the University and College level where most progress has been made in policy formation in order to "take available sanctions to prevent the continuance or recurrence of sexual harassment but to do everything in its power to prevent incidents of sexual harassment" (York University, 1982, p. 14).

At the School District level, however, it is apparent that only large metropolitan school districts in Canada have made strides toward the development of a sexual harassment policy. School districts not having developed such a policy may eventually have to form a sexual harassment policy as post-secondary educational institutions, federal, provincial, and local governments are setting precedent by formulating such policy. However, there may be school districts that do not feel it necessary to commit to sexual harassment policy formation.

Sexual harassment policies are similar but not uniform from one organization or institution to another. Each working and learning environment must address the type of policy best suited for the organization. Therefore, specifics found at the post-secondary level institution policy may not be the same as a rural school district policy. However, the general scheme of a statement of commitment, definition, redress mechanism, appeal procedure and long-range preventive scheme are fundamental to the process of sexual harassment policy formation.

School districts, whether large or small, may go through the task of gathering information from various sources to develop their own sexual harassment policy. To prevent such a time-consuming exercise this thesis will bring together available information on sexual harassment policies that have been developed in school districts and post-secondary educational institutions throughout Canada. A policy formation framework will be developed that can then be modified or revised to suit the needs of the policy-forming organization.

Statement of the Problem

The purpose of this study is to formulate a standard guideline for sexual harassment policy that serves the needs of school boards Canada-wide and which effectively promotes harassment-free environments in our schools for both employees and students.

Research Overview

The primary objective was to discover and analyze policy formats as they currently exist in major school districts in Canada to develop a model for policy development. Information was sought from a broad spectrum of Canadian school districts in the form of a survey (Appendix A). The questions were designed to reveal:

1. The prevalence of existing policies in major school districts throughout Canada.
2. The school districts' definition of sexual harassment accompanying the policy.
3. The perceived need for the formation of sexual harassment policies.
4. The adopted formats of these policies, with particular interest in the priorities implied by the policy format. More precisely, was there an implied emphasis in the established policies for the protection of a targeted group of people or was full equanimity addressed in the policy? Policy was thus broken down by seeking specific answers to the following:
    - a. The mechanism in place for accepting complaints.
        - i. The responsibility of the individual who claims to be harassed or discriminated against.
        - ii. Who addresses the complaints.
        - iii. The procedure for handling the complaints.
        - iv. Assessing the validity of the complaint.
    - b. Procedures once the complaint is received
    - c. The appeal process.
    - d. The long-range preventive scheme.
        - i. What is the method used to educate administrators, professional and support staff, and students on the detrimental impact sexual harassment can have on the working and learning environment in schools?
5. The inclusion of students in the sexual harassment policy.

6. Effectiveness of their sexual harassment policy.

Definitions and Limitations

Definitions

Complainant - An individual who makes a harassment complaint (Edmonton Public Schools, 1988, p. 3).

Harasser - An individual who has conducted him/herself in a manner perceived to be of an annoying, harassing nature toward another individual.

Person in Authority - An individual who has supervisory responsibility for the respondent (Edmonton Public Schools, 1988, p. 3).

Policy - The course or general plan of action which guides or channels thinking and action in the decision-making of employees/personnel in an organization (Concise Oxford Dictionary, 1983, p. 793; Koontz & O'Donnell, 1972, p. 117)

Perception - Act or faculty of perceiving; intuitive recognition (of truth, aesthetic quality, etc.); (Philos.) action by which the mind refers its sensations to external object as cause (Concise Oxford Dictionary, 1983, p. 761).

School District - Synonymous with school board, school unit.

Sexual Harassment

Alberta Human Rights Commission (n.d.).

> The Commission defines sexual harassment as follows:
> [U]nwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature constitutes sexual harassment when:
>
> submission to such conduct is made either explicitly a term or condition of an individual's employment, tenancy, or the receipt of service
>
> submission to or rejection of such conduct by an individual demonstrably affects that individual's employment, tenancy, or receipt of service (p. 1).

Sexual Harassment

Edmonton Public Schools (1988).

> Sexual harassment is unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature which:
> (a) implicitly or explicitly makes submission to such conduct a term or condition of an individual's work or study;
> (b) affects access to services, employment or educational opportunities;
> (c) creates a hostile or offensive environment which interferes with an individual's work or study;
> (d) intimidates, embarrasses, coerces or humiliates the victim. Harassment is not a relationship of mutual consent (p. 2).

Sexual Harassment

The City of Edmonton (1987).

> 1.08 Sexual Harassment: One sided, unwelcome, unwanted sexual attention. Examples are:
> a) harassment in which an employee is offered rewards in return for sexual favours to a supervisor, often accompanied by

> direct or implicit threats; unwelcome invitations or requests; demands for sexual favours.
>
> b) harassment that takes the form of sexually suggestive remarks, comments, innuendos, jokes or double meanings; unwelcome remarks or ridicule about a person's body, clothing, marital status, etc.; verbal abuse, (verbal harassment);
>
> c) touching, fondling, pinching, kissing, and physical assault; practical jokes which cause awkwardness or embarrassment, persistent staring at a person's body (physical harassment);
>
> d) the display of pornographic or other offensive pictures, sexually suggestive objects displayed in the work area, (work environment harassment) (p. 2).

Delimitations

The study will acknowledge sexual harassment of both genders, however, the literature has a slant towards sexual harassment of females.

Only sexual harassment policies in Canadian educational institutions will be addressed in the study, although reference to Canadian federal, provincial and local government, other Canadian organizations, and American educational institution policies will be included.

The definition of sexual harassment will be based on Canadian institutional definitions and Canadian Federal and Provincial laws.

Limitations

The study will be limited to gathering data on policies presently in use in educational institutions, not policies presently under review or revision.

The proposed policy framework may be applicable throughout Canada.

CHAPTER 2

Review of the Literature

Purpose

The purpose of the literature review is to obtain information from current writings in the areas of policy development and sexual harassment. This will enable the researcher to become acquainted with background information, provide insights into the policy formulation process with a view to providing a set of guidelines for the development and implementation of sexual harassment policy, and address the issue of societal concerns about sexual harassment in the workplace and school environment.

The policy formulation process is reviewed to provide information and assistance to school jurisdictions planning to form sexual harassment policy. This review of process also complements the information derived from the sexual harassment policies in the present study.

Policy

Robert Dahl (1965) states, "a policy is an attempt to cope with the future, not simply to account for the past. To be concerned with policy is to focus on the attempt to produce intended results" (p. 88).

Policy formation can be practiced whenever there is a decision to be made in an organizational setting. In a given school district many policies can be made to guide the operation of individual schools in the context of their common aims. Examples that come readily to mind include policies regarding administrative responsibilities, budgeting, staffing, and student welfare; these are all parts of a typical policy handbook found within the school board office and every school in the district. One characteristic of school district policies lies in that they pertain not only to instruction but to students, teachers, and administrators in a learning environment.

The inception of a policy affects the present and future operation of the organization. Therefore, the policy-making process is a task that requires the policy makers to conduct their duty responsibly in a manner fully representing the problem, the organizational milieu, and the parties outside the organization whose interests play a part in the success of the organization.

Policy Development and Analysis

Sutherland (1978), in his Management Handbook for Public Administrators identifies seven basic stages in the development and implementation of public policy.

> 1. Assessment of needs and screening of public demands and wants.
> 2. Identification and clarification of public problems and issues.
> 3. Definition of problem constraints arising from the decisions environment, identification of the problem parameters that define feasible solution sets, and clarification of organizational (system) objectives and expectations.
> 4. Formulation, analysis, and evaluation of policy alternatives and related courses of action.
> 5. Definition of a "best" or optimal policy and the modification of this policy to gain acceptance.
> 6. Conversion of policy into a series of action-oriented decisions leading to policy/program implementation.
> 7. Monitoring of performance and evaluation of policy/program impacts (p. 462).

Sutherland's approach is systematic and management oriented, advocating the use of professional judgement in forecasting and projecting societal goals into organizational objectives.

Cunningham (1985) also formulates a seven phase framework which is similar in many respects to Sutherland's. The phases appear to be clearly identifiable but frequently overlap.

In the first of these phases, the Intelligence Phase, high quality, substantial data are gathered. The second phase, Promotion, is aimed at increasing the likelihood of successful implementation. The Prescription Phase merely deals with adoption of a particular policy. During the fourth phase, the Invocational Phase, "considerable preparatory work must be done to ensure that the inherent quality of the policy will be reflected through effective implementation" (Cunningham, 1985, p. 200). In the Application Phase practices and behaviors change to reflect the new policy which is in place and this continues until such time as a judgement is made to move into the Termination Phase. The Appraisal Phase involves the overseeing and assessing the usefulness of the policy.

Mitchell (1988) proposes a six stage process for policy development and implementation and emphasizes the role which timing must play in the availability of certain skills and resources.

In the first phase, imagination, incisiveness and clarity help to review and clearly articulate the problem providing a basis for the formulation and analysis of proposals.

During the second phase, broad based coalitions develop in favor of or opposed to particular proposals; and technical skills and information are necessary in this phase. In the third phase power and resources are allocated in support of the preferred policy option, and skills in decision making are essential.

The fourth phase sees the development of structure and technical information to support the policy.

In the fifth phase the policy is implemented and in the final phase the policy's intended purpose is assessed. This requires particular strengths in the area of evaluation.

Brewer and deLeon (1983), like Mitchell, propose a six phase model in the policy process where "the policy sciences join and integrate theory (knowledge of) and practice (knowledge in) to improve them both for human benefit" (p. 9).

In the first phase, Initiation, creative thinking about a problem takes place and objectives are defined. Concepts, claims and possibilities are explored in preparation of the estimation phase.

Estimation is where the concepts and claims are thoroughly examined to determine the impacts and likely consequences of the options. Expected performance criteria and indicators are established as well as the development of program outlines.

In the third phase, Selection, options are debated and compromises, bargains and accommodations are reviewed. The decision-making process occurs as options are scrutinized. Therein the decision is made and administrative responsibilities are assigned in preparation of the implementation phase.

The Implementation phase involves the development of rules, regulations and guidelines to support the decision which reflects operational constraints, including incentives and resources. The decision is converted into operational terms of program goals and standards, which includes evaluation of expected and actual performance levels according to the established criteria. Discovered discrepancies in performance are then reviewed by those assigned the responsibility.

The final phase, Termination, determines the costs, consequences and benefits for reductions or closures, improve the policy if necessary, and specify the creation of new problems occurring during the termination phase.

Dunn (1981) discusses policy analysis by reviewing the methodology and the methods used to analyze policy. He provides a framework for policy analysis where he defines policy as "an applied social science discipline which uses multiple methods of inquiry and argument to produce and transform policy-relevant information that may be utilized in political settings to resolve policy problems" (p. 35).

Policy analysis is presented as a process of inquiry where reasonable argument and debate bring about the definition and possible solution for a policy problem. A framework is then developed representing policy-analytic methods that are used "to produce and transform information about policy problems, policy alternatives, policy actions, policy outcomes, and policy performance" (Dunn, 1981, p. 6). The framework is designed to clarify and give direction to the process of policy analysis to critically scrutinize the most effective way to resolve policy problems.

Dunn (1981) reviews the policy-analytic methods and points out how they assist in helping to create and convert information for problem solving in the policy making process. He lists the following methods, problem structuring, forecasting, recommending, monitoring, and evaluating. In the problem structuring phase the particular nature of the problem and its relationship to other problems is clarified and defined. In forecasting, the possible future consequences of various policy alternatives are developed. The recommendation of policy actions is determined through "the transformation of information about policy alternatives into information about policy actions that will result in valued outcomes" (p. 220). Monitoring, describes the connection between the policy operations and the policy outcomes. The final method, evaluating of the policy, provides information about the policy performance "in satisfying needs, values, or opportunities that constitute a 'problem'" (p. 341). The evaluation process may also convey new goals and objectives, with potential solutions.

Dunn (1981) views policy analysis as an applied social science discipline that is most relevant to the present in solving public policy problems. "The roots of social science lie in its responsiveness to these needs of modern society for empirical, quantitative, policy-related information about itself" (p. 16). His focus is to study public policy both practically and theoretically through the contribution of the various social science disciplines. The social science disciplines partake in the process of formulating a well-defined policy problem that can then be rigorously examined for relevancy before the recommendation of the policy. Thereafter, the policy is monitored as to the outcomes pertinent to the goals and objectives of the organization, before evaluation has its final impact on the performance of the policy.

The characteristics of the five models are represented in Figure 1.

Policy in Writing

In the literature from management and policy making in the private sector considerable emphasis is placed on the manner in which policies should be written.

A well-written policy promotes understanding as "it suffers less from distortion than its oral counterpart" (Greenwood, 1967, p. 233). As a result people are informed as to how their thinking, actions and behaviors contribute to the achievement of the organization. The written policy promotes consistency and continuity, clarifying what everyone is doing and laying the foundation for teamwork. Employees see the overall picture of the organization's goals, the "basic principles that underlie its specific policies" (p. 233) and how their particular responsibilities fit into the overall plan.

Policy in writing provides newly hired employees or young employees a valuable aid to orientation into the organization. For example, the first year teacher is given a copy of the school district's policy and procedures manual and the school's rules and regulations handbook which become steady companions as they are often referred to for procedural guidance in dealing with students, colleagues and administrators.

Written policies promote good human relations as people work better in environments where they know what is expected of them. Attitude surveys show that employees feel more secure because the ground rules are there in black and white.

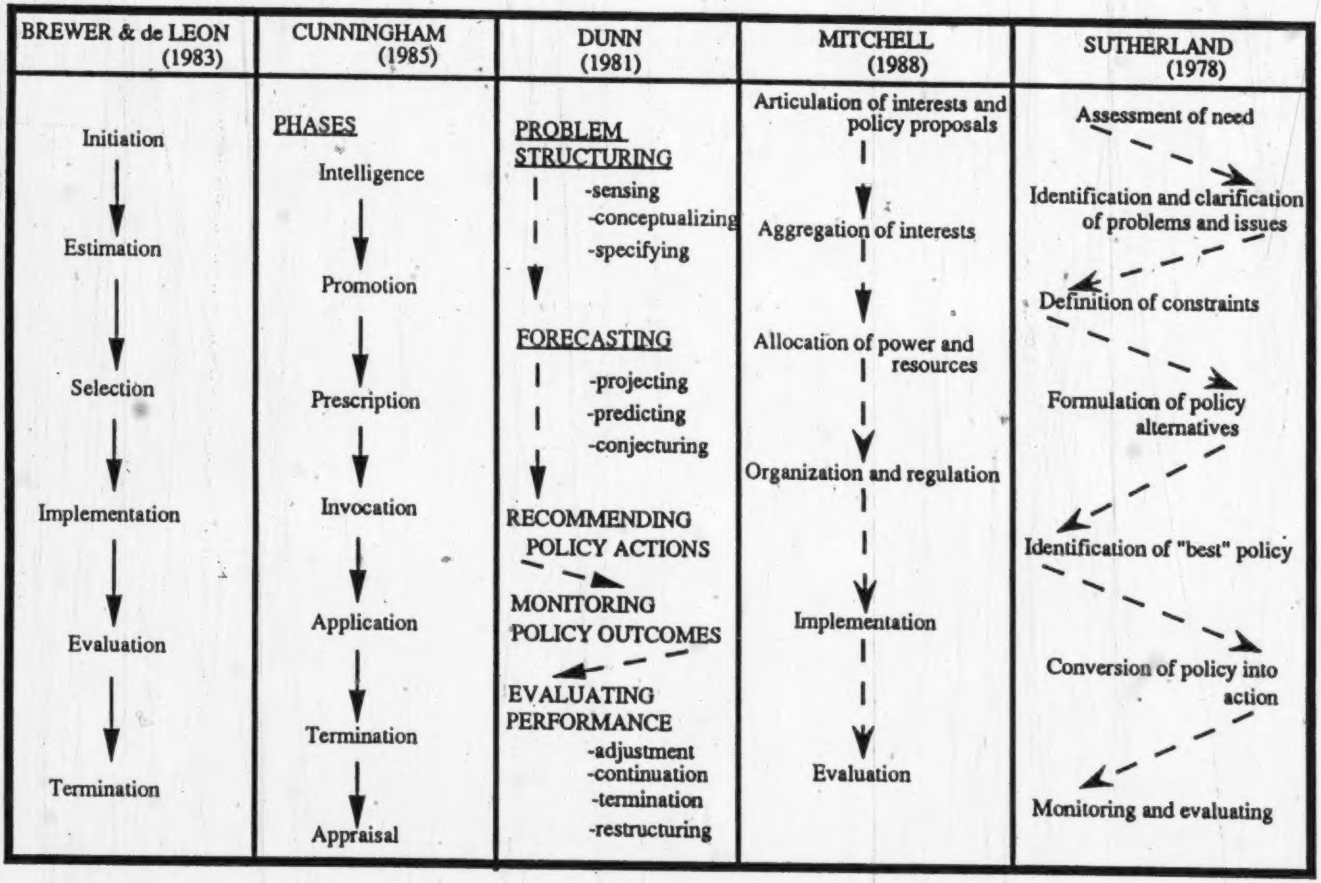
BREWER & de LEON (1983)
Initiation
Estimation
Selection
Implementation
Evaluation
Termination
CUNNINGHAM (1985)
PHASES
Intelligence
Promotion
Prescription
Invocation
Application
Termination
Appraisal
DUNN (1981)
PROBLEM STRUCTURING
-sensing
-conceptualizing
-specifying
FORECASTING
-projecting
-predicting
-conjecturing
RECOMMENDING POLICY ACTIONS
MONITORING POLICY OUTCOMES
EVALUATING PERFORMANCE
-adjustment
-continuation
-termination
-restructuring
MITCHELL (1988)
Articulation of interests and policy proposals
Aggregation of interests
Allocation of power and resources
Organization and regulation
Implementation
Evaluation
SUTHERLAND (1978)
Assessment of need
Identification and clarification of problems and issues
Definition of constraints
Formulation of policy alternatives
Identification of "best" policy
Conversion of policy into action
Monitoring and evaluating

Figure 1

Summary of Selected Policy Development and Analysis Models

Policies are also guides to thinking in decision-making and so it follows that policies must allow for discretion (Koontz & O'Donnell, 1972). To clarify discretion the policies must be "explained, interpreted and taught" (p. 219). People cannot correctly use or trust a policy that is not understood. The administrator must see that questions regarding it are answered and that employees comprehend its goal and why it was developed (Koontz & O'Donnell, 1972).

Summary

The writings of a number of major contributors to the field of policy development, implementation and analysis have been examined in this section. Each of them proposes a framework which can assist in the analysis and understanding of the entire process. There is considerable overlap between the proposed frameworks but each presents slight variations in emphasis and are useful as a result of this.

Policy making is an important task for any organization, especially an educational institution, as it affects not only the people presently in the working and learning environment but also sets the standard for the future operation of the institution and the future participants in the organization. Accordingly, it is essential that the policymakers become conversant with the various phases of an effective policy-development process such as those indicated by the major writers in the area of policy.

Sexual Harassment

Definition

In the literature on sexual harassment a general finding has been that sexual harassment is an expression of power where there is "unwanted imposition of sexual requirements in the context of a relationship of unequal power" (MacKinnon, 1979, p. 1). The "relationship of unequal power" can refer to a teacher-student, a professor-graduate student, a graduate teaching assistant-freshman, a boss-employee relationship.

Sexual harassment can have an overt psychological effect on the victim, however, in addition, it "can be both physical and psychological, ranging from verbal innuendo and inappropriate affectionate gestures to extreme behavior amounting to attempted rape and rape" (Backhouse & Cohen, 1981, p. 32). The physical signs of sexual harassment are unnecessary pinching, grabbing, hugging, patting, leering or ogling, brushing against, touching a woman's body and/or direct physical assault. The psychological demands are verbal harassment or abuse, sexist remarks about a woman's clothing, body, or sexual activities, subtle pressure for sexual activity, relentless, overt requests of physical intimacy, demanding sexual favors accompanied by implied or overt threats concerning one's job (promotion, lateral move, hiring, firing), grades, and letters of recommendation. (Backhouse & Cohen, 1981, p. 32; Dzeich & Weiner, 1984, p. 22)

The Penn State (1983) study on "Sexual Harassment of Students at the Pennsylvania State University" provides another example of both physical and psychological harassment by a graduate student teaching assistant.

> He was my lab instructor. It started with some smart comments in the lab. Then there were typical pinches. He got worse as the term went on. He kept getting dirtier in his comments and he would always rub up against me. He would never leave me alone (Johnson & Shuman, 1983, p. 9).

The Canadian Charter of Rights and Freedoms (1982) and Provincial Human Rights Statutes state that discrimination based on sex, sexual harassment, is unlawful.

Statistics and Survey Results on Sexual Harassment

A national survey on unwanted sexual attention and sexual harassment, was conducted for the Canadian Human Rights Commission in September 1981. The survey sample totalled 2,004 Canadian women (52%) and men (48%). The findings indicated:

> 41% of Canadians report experiencing unwanted sexual attention; in this group, 30% of the female respondents identified the unwanted sexual attention as harassment; 12% of the males responded in the same way. Generalizing from this survey, 1,200,000 women and 300,000 men believe they have been sexually harassed (Canadian Human Rights Commission, 1983, p. 5 & 6).

The number of sexual harassment complaints seem to be rising as an Alberta Human Rights Commission report revealed that "35 complaints of sexual harassment were lodged between April 1986 and March 1987. Between April 1987 and March 1988, the commission received 41 complaints of sexual harassment. And so far this fiscal year, the commission has received about 45 complaints of sexual harassment" (Ng, 1990, p. 2).

In the spring of 1982, Michael Johnson and Susan Shuman, from Pennsylvania State University, conducted an investigation of 515 full time female students at the graduate and undergraduate level at University Park. The purpose of the study was to find out if sexual harassment took place at Penn State University. The researchers chose a series of specific questions indicating four specific types of sexual harassment and the participating women were asked whether an employee of Penn State University had ever:

1) stared at or commented on her body in a suggestive way; or directed suggestive remarks or jokes towards her;

2) made unwelcome requests for dates with her;
3) requested or demanded her participation in sexual activity; or
4) made physically aggressive sexual advances or touched her in
   an objectionable way (p. 4).

The findings indicated, the women interviewed experienced the four types of sexual harassment from someone in a position of power. The harassing behavior ranged from "suggestive remarks" (p. 4), "unwelcome requests for dates" (p. 6), "a request or demand for sexual involvement" (p. 7), to "some form of physical harassment" (p. 7). It was found that at least one out of four women interviewed experienced at least one of the described forms of harassment during their education at Penn State (Johnson & Shuman, 1982).

After conducting the investigation of students, Johnson and Shuman began a survey of 237 female secretaries, clerks, and clerk typists at University Park, Penn State University, during the spring of 1983. The researchers used the same series of questions as in their former investigation of students. They found that of the women interviewed, nearly a third had been harassed by behaviors such as remarks of a suggestive nature, staring, request for a date, request for participation in sexual relations, touched in an objectionable way, and had been the target of physically aggressive advances (Johnson & Shuman, 1983).

The harassment of the clerical workers resulted in reactions such as disgust, anger, feelings of insult, embarrassment, surprise, shock, feelings of being trapped, frightened, helpless, along with changes in behavior of a strained nature in the relationship between the clerical worker and the harasser. The clerical workers would avoid going into the harassers office and talk to the harasser infrequently. In time the harasser became more formal with the worker and in some cases the harasser tried to fire the clerical worker (Johnson & Shuman, 1983).

The study also revealed who the harassers were. The majority were professors and administrators, and reported incidents of harassment were committed by supervisors who could affect the clerical workers raises, promotions, or work load. In the cases where the harasser had organizationally based power the victims either expected punishment if the demands were not met or were actually punished (Johnson & Shuman, 1983).

The results also indicated that 53% of the victims did make an attempt to stop the harassing behavior but were less likely to report the harasser. In fact, only 8% of the incidents were reported (Johnson & Shuman, 1983).

Since approximately 1975, studies have been taking place exposing the incidents of sexual harassment in the workplace and educational environment.

A survey of 155 business women in New York was conducted by Cornell University in 1975. The respondents, not a random sample of the population, revealed information indicating sexual harassment was a serious problem. The women had personally experienced some form of harassment, and a large percentage were physically harassed (Farley, 1978; Ross & Green, 1983).

A national survey of 9,000 clerical and professional women in the United States was conducted by Redbook magazine in January, 1976. The survey revealed that over 90% of the respondents reported experiencing some form of sexual harassment (Farley, 1978).

In 1981, the University of Florida and Iowa State University made a survey of women on campus with results indicating large percentages of female respondents experienced some form of sexist comments (Ross & Green, 1983).

The National Advisory Council on Women's Educational Programs conducted a survey regarding the problem of sexual harassment. The Council found, it was estimated that 10% to 20% of the women students across the country were subjected to some form of sexual harassment (Association of American Colleges, 1980).

A Joint Committee to Study Sexual Harassment at Arizona State University conducted a survey on campus of a random sample of 1,500, male and female, faculty, students, and staff. The results indicated that women were more likely to view sexual harassment as a problem than men and that 13% of the women and 5% of the men were reported as having experienced sexual harassment (Association of American Colleges, 1982).

It is apparent that sexual harassment is a problem in our society. The statistics clearly indicate there is sexual harassment is occurring and is having a harmful effect on the victims in the workplace and in educational institutions.

Sexual Harassment of Women

Why are women vulnerable? Whether sexual harassment occurs in the educational or work environment, women's vulnerability increases dramatically because their career and livelihood are in danger. "The harasser gives an implicit message that noncompliance will lead to reprisals" (Backhouse & Cohen, 1981, p. 33). Reprisals that include an unsatisfactory paper evaluation, a low or failing grade, denial of an assistantship, withholding a recommendation for graduate studies, "threatened demotions, transfers, poor work assignments, refusal of overtime, unsatisfactory job evaluations, sabotaging of the woman's work, non-cooperation from male co-workers, sarcasm, injurious transfers and reassignments of shifts, hours or locations of work, loss of job training, denial of raises, benefits and promotions, and in the final analysis, dismissal and a poor job reference" (Backhouse & Cohen, 1981, p. 33; Farley, 1978, p. 15). One is expected to either meet the harasser's sexual demands or suffer the consequences.

Why are women silent? Women have valid fears. When sexual harassment occurs the woman feels embarrassed or humiliated at the type of unprofessional attention she is receiving as she is there to do her job for which she was hired. This can bring about a feeling of intimidation as a subordinate in the hierarchical structure. Many women do not want their husbands, boyfriends, parents and children to know of their predicament for fear of ridicule and being made to feel guilty that they were responsible for the harassment by encouraging the harasser (Backhouse & Cohen, 1981).

Why then, do men sexually harass? In many cases it is an assertion of power expressed in a physical manner that is often applauded by the lockerroom buddies. It can be the perpetuation of the active-male/passive-female syndrome, the syndrome that is in sex-role conditioning women and men have been perpetuating for many centuries. Social psychologists Harriet Connolly and Judith Greenwald explain:

> In our culture the importance of sex-role conditioning cannot be underestimated. In general, boys learn to be independent, to initiate action, to be task-oriented, rational, analytical. In contrast, girls are schooled in empathy, noncompetitiveness, dependency, nurturance, intuitiveness. These standards continue to provide the model for "normal" behavior and exert a powerful demand for conformity throughout adult life (Farley, 1978, p. 16).

As in the dating game, the man presumes there is no harm in trying. "At the office as in the home, the woman is seen as economically dependent on her boss for her living. Sex goes with the territory in the psyche of a sexual harasser" (Backhouse & Cohen, 1981, p. 37).

Backhouse & Cohen, (1981) categorize two types of harassers: the one-time offender - a man in crisis, and the relentless repeater - sex goes with the territory. The relentless repeaters are found to be in the majority because their behavior makes them feel more powerful and is often encouraged by their peers. In our society, male sexuality is equated with power, virility, strength, and domination.

Sexual Harassment of Men

Sexual harassment guidelines have primarily focused on women but men are also harassed in the workplace. However, men do not report cases of sexual harassment because it ruins their image in the face of society.

Cleland (1983) points out that:

> Every third victim is a man according to the most extensive survey of the subject - Sexual Harassment in the Federal Workplace, issued in 1981 by the Merit Systems Protection Board. Defining harassment as "unwanted, uninvited, sexual attention" ranging from double-entendres to rape, and allowing respondents anonymity, this study found that one male government employee in seven had been harassed on the job, 70 percent of the time by women. One in every 300 men had been sexually assaulted or had been subjected to an actual or attempted rape while working as a federal employee (p. 38).

In the United States, a case occurred that made legal history. A man won a court case charging sexual harassment against a woman. The jury of five women and one man awarded him compensatory damages of $200,000 (Cleland, 1983). The case occurred in Madison, Wisconsin, and was based on guidelines issued by the Equal Employment Opportunity Commission in 1980. Although the guidelines were there to protect women the courts acknowledged them in this case. David Huebschen, employed by the Wisconsin Bureau of Social Security Disability Insurance was sexually harassed by his supervisor, Jackie Radar. When he failed to have sexual intercourse with her, she demoted him, an act considered defiant of federal laws. The harassment was blatant yet none of his co-workers supported him . The unhappy ending to this case was that Jackie Rader still holds her position as assistant director of the Wisconsin Bureau of Social

Security and Disability Insurance and David Huebschen died of cancer which was believed to have been aggravated by the two years of harassment at work and the court case that followed. "Had he been a woman, he would have had the support of his co-workers. Had he been a woman, he might have become a martyred symbol. But because he was a man his last years were fiercely lonely" (Cleland, 1983, p. 42).

Whether the victim is a man or woman Nona Cleland's (1983) summary of the article sends the message clearly.

> There is a real pain in being abused because of one's sex. For men as well as for women, to be caught between work and a sexual situation in which he or she is powerless can be devastating. Huebschen's courageous act of protest will not be in vain only when men acknowledge the fact that they too can be sexual victims (p. 42).

Legal Implications for the Employer

The Canadian Human Rights Commission's brochure, published in 1984, explicitly states the employer's responsibility to provide a discrimination-free workplace. Through the establishment of a code of conduct and anti-harassment policy, the employer makes everyone aware and protects potential victims. All managers share in the responsibility of providing "a formal, confidential complaint process that will assure employees that harassment is not tolerated, allay fears of retaliation, and inspire confidence that harassers will be dealt with severely" (Canadian Human Rights Commission, 1984, p. 6). The employer is responsible for the actions and behaviors of all personnel and must therefore, stop any harassment problems as they arise. The employer can summon a full range of disciplinary sanctions ranging from reprimands of a verbal kind to the severity of termination.

The Alberta Human Rights Commission (n.d.) explains the employer is not only responsible for maintaining a work environment that is free of sexual harassment in the "supervisor/subordinate situation but also among co-workers" (p. 1). The employer and employees can be assisted in matters of sexual harassment by providing personnel with a comprehensive policy that includes complaint procedures. A supervisor is responsible to promptly and appropriately investigate sexual harassment complaints. If the supervisor is negligent in such conduct then that person may be held liable under the Individual's Rights Protection Act.

The Nova Scotia Human Rights Commission (n.d.) also clearly indicates ways employers can eliminate sexual harassment through preventive measures. However, the employer is ultimately responsible for the actions and behaviors of employees.

The Public Service Alliance of Canada (1986) published the article Grieving sexual harassment: A Guideline for Union Stewards, wherein it indicates that no matter who commits an offense of harassment the employer is responsible. "The employer is obligated to maintain a dignified, safe and healthy working environment" (p. 1).

The Treasury Board of Canada (n.d.) also emphasizes that management "has a continuing responsibility to stop any harassment that occurs in the workplace whether there has been a complaint or not. If a manager is aware of harassment of an employee and does not take the appropriate corrective action, then disciplinary sanctions may be imposed upon the manager as well as the offender" (p. 5).

Sexual Harassment is Costly

In the Province of British Columbia's (n.d.) leaflet on Sexual Harassment, printed on behalf of the Ministry of Labour and Consumer Services, Council of Human Rights, it reveals U.S. statistics of the high cost of sexual harassment in the government workplace. "A 1981 report noted that, over a two-year period, sexual harassment cost the U.S. government $189 million in job turnovers, health insurance plans and lost productivity" (p. 1).

The leaflet also points out that the employer is responsible for providing a sexual harassment free environment and failing to do so, "may incur penalties which include compensation for wages or salary lost or expenses incurred by the person harassed, and, in addition, a payment not exceeding $2,000" (Province of British Columbia, n.d., p. 1).

In the previously mentioned case of the man who was sexually harassed, the article also stated the cost of sexual harassment for "male workers in lost time, decline in productivity, employee turnover and increased stress amounted to $90 million annually, the government concluded" (Cleland, 1983, p. 38).

The Saskatchewan Human Rights Commission (n.d.) brochure also indicates the effect of sexual harassment in the workplace; not in actual monetary figures but the implication is evident. "Like other workplace hazards, sexual harassment causes insecurity and fear, impaired job performance, decreased job satisfaction, low morale and higher staff turnover" (p. 2).

The cost of sexual harassment the cost is high, not only for the victim, and the employer, but also for the harasser. The publicity can be devastating for all involved. The harasser, if found guilty, can incur penalties such as documentation of the offense on the employment record, the termination from the job, the payment of damages, and/or a jail sentence.

Summary - Views from the Pioneers in Sexual Harassment Literature

A few women have been the forerunners in writing about sexual harassment of women in the workplace. Their books were written in the late 1970's and early 1980's when sexual harassment was still a private problem women had to cope with in the working environment. In their books they review society's role in dictating patterns of sexual behavior for women and men.

MacKinnon (1979) writes about women in the workplace and tells us that women are viewed as a "provocative anomaly" (p. 216) because their sexuality is often a condition of employment. Women are considered financially dependent on men whether it be the husband or the employer. Therefore sexual harassment in the workplace sexualizes women's role the same way as within the family. "Women learn early to be afraid that men will not be attracted to them, for they will then have no future; they also learn early to be afraid that men will be attracted to them, for they may then also have no future" (p. 217).

Dzeich and Weiner (1984) conclude it is the responsibility of everyone in the educational institution to combat sexual harassment. Professors, whether male or female must adopt a more concerned, collegial attitude and feel obligated to confront a sexual harasser. The harasser may be a co-worker who is unjustly accused and may need to be alerted about the matter. Although if there is suspicion that a charge against a co-worker is accurate, the colleague is responsible to inform the co-worker of the suspicions so his behavior may be altered. Harassment can no longer be a private matter; it must become a professional consideration that can be discussed in a rational manner as would other problems in the educational institution. Students, as well, must take responsibility for the campus environment and be willing to remedy the problem of sexual harassment by taking a firm stand against harassers so that such behavior will not occur nor go unpunished if it does.

Farley (1978) looks to the future of women in the workplace with a liberated view of collectively unifying to stop sexual harassment. She compares women's role in the workplace to "the age-old requirement of the Patriarchy: that woman shall serve man with her labor and pay for the right to do so with her body" (p. 209). Women have always been controlled by men in the workplace and thus it has weakened women's employment situation. Farley (1978) believes work is a form of liberation for women, however, in the workplace there is no liberating factor when sexual harassment is a factor. The solution is a work force that is integrated with both men and women sharing equality in work and authority in all jobs. Farley believes women can only accomplish this by organizing, as a cohesive group, to protect their rights and put an end to sexual harassment.

Backhouse and Cohen (1981) explain how the patterns of society are one of the factors that plays a significant role in sexual harassment. From early on men have been expected to be the aggressors and women the passive role players when it comes to societal patterns of sexual behavior. In marital relationships society enforces that "women are expected to consent to sexual relations with their economic provider regardless of their personal wishes" (p. 44). This role is perpetuated in the work place as the employer becomes an economic provider and often sexual favors become part of the terms of employment. Backhouse and Cohen have found that the majority of people with whom they have discussed sexual harassment could not distinguish between "coercive and consensual relationships" (p. 45). Therefore, it is imperative that sexual harassment be dealt with in order for society to recognize the coercive element and stop this crime against women.

Sexual harassment appears to be prevalent in our society.

Summary of the Chapter

This chapter reviewed the literature on policy development and analysis and sexual harassment.

Models of policy-making were examined and the effect of policy in the written word was reviewed. The five models were basically similar, however some phases or stages were emphasized more in one model that in the others. The models do provide a perspective from which to derive information on the process and analysis of policy-making.

Written policy is a means whereby the organization promotes understanding of the organization's goals. It also fosters continuity and consistency and is an aid to orientation and good human relations

The literature on sexual harassment indicates that sexual harassment is taking place in our society. Both women and men are victims, and they experience psychological distress and sometimes physical trauma as a result of sexual harassment in the workplace. Sexual harassment is costly to employers and legally it is their responsibility to prevent and stop sexual harassment from occurring in the workplace.

It is evident from the literature that society must be made to recognize that sexual harassment is unlawful and has a detrimental affect on the people in the working environment.

This review of the literature outlines information that assists in the analysis of sexual harassment policy in school districts throughout Canada and contributes to the formation of guidelines for sexual harassment policy-making.

CHAPTER 3

Research Methodology

Descriptive research seeks and identifies the particular phenomena which describe the topic under study (Cates, 1985, p.95; Slavin, 1984, p. 15). Document analysis in descriptive research "deals with the systematic examination of current records or documents as sources of data" (Best, 1977, p. 129). Documents used in descriptive research must be carefully scrutinized for both authenticity and validity of their contents. The purpose of this document research is to "describe prevailing practices or conditions" and "to discover the relative importance of, or interest in" (p.129) policy formation regarding sexual harassment. It is the researchers' obligation to establish the trustworthiness of all data that are drawn from the document.

Description of the Sample

A sample of 24 school districts, with student populations of 10,000 or greater, from throughout Canada was chosen. The school districts chosen included public/Protestant school districts, as well as Catholic school districts from major cities across the country.

Research Design and Procedure

A letter was sent to each of the 24 school districts, requesting information on whether the school district has a written policy on sexual harassment for employees and students (see Appendix A) and that a copy of the policy be forwarded to the researcher. In the letter there was also a request to include the date of the acceptance of the policy, and a brief explanation of what primary concern or event precipitated the formation of the policy and whether the policy has been effective. An unstamped self-addressed envelope was included with the letter.

School districts that do not have a sexual harassment policy were requested to forward information as to why their school district has not addressed the issue through policy formation. Finally, school districts that are in the process of developing sexual harassment policies were asked to explain what precipitated the formation of such a policy.

A second letter, similar to the first (see Appendix B) was mailed to those school districts failing to respond within two months.

Description of Measures Employed

The letters and documents received from responding school districts were reviewed to ascertain how many of the school districts had sexual harassment policies. Districts were categorized according to their policy status: the absence of any policy, their recognition of provincial statutes in lieu of a specific district-based policy or their establishment of an official school district policy.

To obtain the perceived need for formation of sexual harassment policies in these organizations the individual explanations requested of the respondents were analyzed and categorized:

- Was it a preventive measure due to societal concern or political pressure?
- Was it part of the bargaining process in a collective agreement?

The submitted documents, and in particular the policies themselves, were analyzed further with respect to the following general information:

1. The definitions of sexual harassment and harassing behavior of a sexual nature.

2. Commitment on the part of the school district to provide a harassment free working and learning environment.
3. Mechanisms for handling individual complaints.
4. The responsibilities of the person in authority receiving the complaint.
5. Investigative procedures and the concern for confidentiality.
6. Adjudication, punitive measures and appeal procedures.
7. Inclusion of students in the sexual harassment policy.
8. Effectiveness of sexual harassment policy.

CHAPTER 4

Description and Analysis of Data

Existing Policies in Canadian School Districts

There are 24 School Districts with student populations over 10,000. All 24 were sent the open-ended questionnaire (Appendix A). Nineteen of the 24 responded within two months. The remaining 5 school districts were sent the second letter (Appendix B) and 3 of these replied within the next month. One of the 3 was in the process of revising the school district's sexual harassment policy and submitted it in draft form. It was to be ratified at their next School Board meeting. Their approved policy was received one month later. In total, 22 (91.7%) school districts responded (Appendix C) within four months of the initial mailing.

The following table categorizes the status of sexual harassment policy in the 24 School Districts.

Table 1

Status of Sexual Harassment Policies in Canadian School Districts

School Districts	**Sexual Harassment Policy**				
	Yes	No	Development Stage	Other Source	No Reply
Protestant/ Public	9 (40.9%)	6 (27.3%)	-	-	-
Catholic	2 (9.1%)	2 (9.1%)	2 (9.1%)	1 (4.5%)	2
TOTAL	11 (50.0%)	8 (36.4%)	2 (9.1%)	1 (4.5%)	2

Of the 22 school districts that responded 11 had a sexual harassment policy, 8 had no sexual harassment policy, 2 school districts were in the developmental stages of making policy, and 1 school district indicated that "we avoid codifying existing law into policy for reasons related to redundancy" (School District P) after making reference to provincial statute that states the law on the issue of sexual harassment.

School Districts' Definitions of Sexual Harassment

Nine of the 11 school districts that have sexual harassment policies have definitions of sexual harassment.

> School District A.
> Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature when:
>
> (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment.
> (b) submission to or rejection of such conduct is used as the basis for employment and/or evaluation.
> (c) such conduct has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

> School District C.
> The term "sexual harassment" is defined as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

School District Q.

The preamble discusses freedom from sexual or other forms of harassment. The term "harassment" means any conduct, comment, gesture, or contact of a discriminatory nature that is likely to cause offence or humiliation to any employee or that might, on reasonable grounds, be perceived by that employee as placing a condition of a discriminatory nature on employment or on any opportunity for training or promotion. The term does not refer to the accepted social banter that occurs in the work environment.

School District D.

Sexual harassment is unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature which:

(a) implicitly or explicitly makes submission to such conduct a term or condition of an individual's work or study;

(b) affects access to services, employment or educational opportunities;

(c) creates a hostile or offensive environment which interferes with an individual's work or study;

(d) intimidates, embarrasses, coerces or humiliates the victim. Harassment is not a relationship of mutual consent.

School District E.

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature that take place under any of the following circumstances:

1. When submission to the sexual advance is a condition of keeping or getting a job, whether expressed in explicit or implicit terms.
2. When a supervisor or boss makes a personnel decision based on an employee's submission to or rejection of sexual advances.

3. When sexual conduct unreasonably interferes with a person's work performance and creates an intimidating, hostile, or offensive work environment.

School District F.

Specifically, 'sexual harassment' is defined as any unwelcome sexual comment, suggestion, gesture or physical contact that:

1. is made by a person who knows, or ought reasonably to know, that such action is unwelcome; and
2. causes discomfort and endangers the well-being, job security or job performance of the victim.

School District I.

All employees, volunteers and students of the Board shall be free from sexual harassment, which is defined as:

(a) Repeated sexual advances which are known, or ought reasonably to have been known, to be unwelcome by the person making the advances; or

(b) Repeated requests for sexual favours which are known, or ought reasonably to have been known, to be unwelcome by the person making the requests; or

(c) Other repeated sexually-oriented remarks or behaviour which are known, to be unwelcome by the person making the remarks, or engaging in the behaviour, and which either may be reasonably expected to interfere with a person's work/school performance or may reasonably be perceived as creating an intimidating, hostile or offensive work/classroom environment; or

(d) A sexual advance or request for sexual favours made by a person in a position to grant, or deny a benefit, privilege, or advancement to the person, where the person making the advance or request knows, or ought reasonably to know, that it is unwelcome; or

(e) A reprisal, or threat of reprisal, for the rejection of a sexual advance or request for sexual favours where the reprisal is made or threatened by a person in a position to grant, confer, or deny a benefit, privilege, or advancement.

School District H.

a) Personal Harassment

Any behaviour which may be offensive, embarrassing or humiliating and which denies individuals their dignity and respect.

b) Sexual Harassment

Deliberate, unsolicited, unwelcome and personally offensive behaviour, comments, gestures or physical conduct of a sexual nature that creates discomfort, interferes with work effectiveness or threatens the livelihood or status of an individual.

c) Harassment means being subjected to unwelcome verbal or physical conduct related to the 13 forms of discrimination prohibited by law:

- race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, record of offences, marital status, family status or handicap.

School District J.

The following types of inter-personal situations are covered by this policy:

a. Sexual harassment - any repeated and unwelcome comment, suggestion or physical contact of a sexual nature that creates an uncomfortable working or learning environment for the recipient.

   Sexual harassment may also be a single sexual advance, particularly one by a person in authority, that leads to and/or implies a threat and/or leads to a reprisal made after a sexual advance is rejected.

b. Verbal insult on the basis of race, religion, sex, age, etc.

c. Physical assault.

School Districts G and U do not have definitions but they do indicate they will not endure sexual harassment in the working, learning environment, and School District G also stated they will work with employees to educate them in the recognition and management of sexual harassment.

Perceived Need

School Districts with Policy

Five of the 11 school districts that have sexual harassment policy developed the policy as a proactive measure should an issue arise. The following statements from the school districts indicate the perceived need:

> School District Q.
> [I]t was necessary to have something in place for reference should it be necessary.
>
> School District C.
> There was nothing in particular which precipitated our including the section in the regulation. We were simply updating our regulations and included it as an issue which could arise.
>
> School District E.
> [A] pro-active means of dealing with a potential problem.
>
> School District F.
> [O]ur school division needed a policy in this area as a pro-active measure.

> School District I.
> [A] Board policy and procedure were essential to combat future problems.

One of the 11 school districts felt it necessary to develop policy because of societal concern on the issue of sexual harassment. The statement below reveals the school district's perceived need:

> School District A.
> We are, however, responding to the general concerns expressed by society in protecting its members whether they be employees or students.

One school district developed their sexual harassment policy "as a result of discussions during negotiations with the . . . Teachers' Association at which time the Division agreed to prepare a policy that sexual harassment would not be tolerated in the workplace and/or in connection with the workplace" (School District G)

Four school districts did not reply to the question (see Appendix C, School Districts D, H, J, & U).

School Districts without Policy

Eight of the 11 school districts without policy responded with explanations of why there is no written policy in operation in their school district:

> School District S.
> The Board does not have a policy dealing specifically with sexual harassment as the Policy . . . is all inclusive. Although there was

an earlier policy this one was mandated by the Provincial Government to comply with Section 16 of the Family Services Act.

School District L.
Unfortunately, the . . . District School Board does not have written policy on sexual harassment. This matter has never come up for discussion nor has it been a problem with our system to date.

School District O.
At present we do not have a policy to deal with sexual harassment because this has never been an issue in our Unit.

School District T.
[T]he . . . School District does not have a written policy on sexual harassment for employees and students. The issue seems not to have arisen at the Board level and is mentioned only peripherally in a Report on Equal Opportunity prepared two years ago.

School District M.
We have not yet developed a policy in this regard and it has been a matter of priorizing those policies to be developed.

School District N.
[S]exual harassment policy relating to employees, I am afraid that we do not have such a policy developed. It has not become an issue that has been raised by any groups associated with our schools. Although I suspect that as there have been concerns in the news media at times, it might well become an issue for us in the not too distant future.

School District B.
[W]e have no specific written policy on sexual harassment for employees and students. However, I am enclosing a report of the Sexism Action Committee whose recommendations were

> approved by the Board for implementation. I am also enclosing our District policies on non-discrimination.

> School District K.
> [D]oes not, at the present time, have a written policy on sexual harassment for employees and students. At the present time, any formal complaint in regard to sexual harassment would be responded to in a manner as would any other issue requiring disciplinary action.

One school district referred to provincial law as the reason why they have not developed sexual harassment policy:

> School District P.
> [O]ur school district does not have a written policy on sexual harassment for employees and students. The primary reason for not having such a policy on our books is that as a normal practice, we avoid codifying existing law into policy for reasons related to redundancy.
> The province of . . . has a Human Rights Protection Act that clearly states the law on the issue of sexual harassment . . . .
> To re-state the law in policy is rarely warranted especially with laws as explicit as the above. Policies are rarely indicated for the purpose of reminding target personnel of their responsibility to obey the laws of the land.

School Districts with Policy in Developmental Stages

Two school districts were in the developmental stages of sexual harassment policy formation:

> School District W.
> [A] sexual harassment policy is presently in a developmental stage. It is an objective which is integrated into our program for access to equality for women.
> It is this program which stimulated us in articulating such a sexual harassment policy. The specific objectives pursued are:
> - the elaboration of a sexual harassment policy;
> - the organization of eight information sessions addressed to the personnel of the school district informing them of the existence of such a policy and the impact on the work atmosphere.
>
> We are presently researching the existing policies and the resources available to dispatch information and formation.

School District V is presently in the developmental stages of forming a sexual harassment policy. Included in their response was a document presenting the policy framework whereby they were reviewing the occurrence of sexual harassment in the workplace, the responsibilities of the Commission forming the policy, the means to counter sexual harassment in the workplace through policy, including the objective, definition, field application, principles, means, and mechanisms for dealing with a complaint. A resolution adopted by the members of the Commission explaining the responsibility for the development of policy and an information bulletin written by the Personnel Department distributed throughout the school district informing staff of the development of policy and inviting questions and suggestions from staff (Trans. N. M. Lamarre, March 15, 1990).

Policy Stages

The mechanism in place for accepting complaints

(1) The responsibility of the individual who claims to be harassed or discriminated against.

Ten of the 11 school districts with sexual harassment policies clearly state that the individual who claims to be sexually harassed is responsible to report such harassment.

> School District A.
> An employee who believes that he or she has a complaint of sexual harassment is encouraged to make a direct request of the harasser that the offensive behaviour or actions cease.
>
> School District C.
> Employees who believe they have been the subject of sexual harassment have a responsibility to make an objection clearly known to the offender and/or any person in authority, as may be appropriate.
>
> School District Q.
> An employee who believes he or she has been the subject of sexual or other forms of harassment has a responsibility to make an objection clearly known to the offender and/or person in authority, as may be appropriate.
>
> School District D.
> Depending upon the comfort level of the complainant, objections may be conveyed to the individual directly, or through a person in authority. The individual may be unaware that the behaviour is offensive and may be in violation of board policy.
>
> School District E.

School District E.
The onus is on the employee to report claims or inferences of unwelcomed sexual advances immediately after the alleged advance is purported to have been made.

School District F.
Whenever possible, an employee who believes that he or she has been sexually harassed should endeavour to resolve the issue by direct discussion with the offending employee.

School District I.
An individual may wish to resolve the issue by directly confronting the person(s) involved.

School District U.
The complainant would contact any line superordinate with whom he/she feels comfortable OR the person responsible for Affirmative Action, to discuss the situation and how it might be resolved.

School District H.
Make the objection, disapproval and/or unease known to the offending person in a clear manner and politely but firmly request that it stop.

School District J.
The individual involved in an incident, or to whom an incident is reported, should report the incident immediately to the administrator (immediate superior).

Some of the policies state the complainant should clearly explain to the harasser that the behavior was inappropriate. It may be uncomfortable for the complainant to verbally confront the harasser so an alternative would be to make the objection known to the offender in writing. The complainant should also keep a personal record of details of the incidents (dates, times, places, witnesses), confrontations (objection of the offensive behavior) and the reactions of the offending person.

At any time either before a confrontation with the alleged offender or after, in seven School Districts that have sexual harassment policies it is recommended that the complainant seek the help or advice of the direct superior of the offender, and/or the complainant's direct superior, department head, principal, union or federation representative, and/or the local affirmative action representative.

A continuation of the offensive behavior then gives the complainant the option to file a formal written complaint to the line superordinate, assistant superintendent, or the director/superintendent, depending on the assigned superior as stated in the school districts' policies.

All of these various steps are handled internally, however, it does not stop the complainant from filing a formal complaint, at any time, with the School District, the Union, the Human Rights Commission of that province, or the Police.

School District G (see Appendix C) has no statement indicating the responsibility of the individual who claims to be harassed or discriminated against.

(2) Who addresses the complaints.

In 10 of the 11 School Districts it is clearly stated that the person in authority, who receives a complaint of sexual harassment is responsible for investigation of the matter. In some school districts the Director of Education or Superintendent of Personnel should be contacted immediately when a complaint is lodged, and informed of the ensuing details in the investigation of the case. The 1 school district not stating the authority's responsibility advocates a "preventative, not punitive" process where the person in authority is still involved, however, in the first stage to counsel and advise, in the second stage to advise the parties of optional routes, time lines and consequences, and in the third stage of fact-finding the person in authority conducts an investigation (which can be done prior to submission of a report to the Director) with the outcome reported to the Director (School District I).

> School District A.
> [T]he complainant may seek the confidential advice of the alleged offender's immediate supervisor.
> The alleged offender's supervisor will seek to resolve the issue through discussion with the alleged offender.

> School District C.
> A person in authority who receives a complaint of sexual harassment shall investigate the matter promptly, seriously and in a strictly confidential manner.

> School District Q.
> Any person in authority or a personnel officer who receives a complaint of sexual or other forms of harassment, or is otherwise aware of such behavior should approach the Superintendent of Personnel immediately to assess the appropriate merits.

> School District D.
> Any person in a position of authority who receives a complaint is responsible for ensuring that the complaint is addressed.

> School District E.
> Therefore, incidences of sexual harassment should be reported in confidence directly to the Director of Education, who will take such action as he deems necessary to resolve the problem.

> School District F.
> [T]he Director shall follow regular procedures for dealing with complaints regarding the behaviour of a staff member, including investigation of the circumstances relevant to the complaint.

> School District G.
> The Chief Superintendent or designee shall be responsible for the development of procedures to deal with reported cases of sexual harassment.
>
> School District U.
> The complainant would contact any line superordinate with whom he/she feels comfortable OR the person responsible for Affirmative Action, to discuss the situation and how it might be resolved.
>
> School District H.
> [S]eek the assistance of your supervisor who will attempt to resolve the situation forthwith.
>
> School District J.
> The Board shall actively investigate all reports submitted in accordance with established procedures pertaining to sensitive situations and shall take appropriate action where complaints are justified.

(3) The procedure for handling the complaints.

Eight of the 11 School Districts have a general statement or phrase describing how the person in authority should handle the complaint:

> School District A.
> The alleged offender's supervisor will seek to resolve the issue through discussion with the alleged offender.
>
> School District D.
> In determining whether the alleged conduct constitutes sexual or other forms of harassment one must assess all of the facts and circumstances, including the nature of the alleged sexual

> advance/discriminatory behaviors, the environment and the context in which the incident is alleged to have taken place.
>
> School District C.
> A person in authority who receives a complaint of sexual harassment shall investigate the matter promptly, seriously and in a strictly confidential manner.
>
> School District E.
> [T]he Director of Education, who will take such action as he deems necessary to resolve the problem.
>
> School District F.
> [T]he Director shall follow regular procedures for dealing with complaints regarding the behaviour of a staff member, including investigation of the circumstances relevant to the complaint.
>
> School District G.
> The Chief Superintendent or designee shall be responsible for the development of procedures to deal with reported cases of sexual harassment.
>
> School District U.
> The complainant, respondent and line superordinate/affirmative action person would meet to discuss the complaint and try to resolve the problem.
>
> School District H.
> [S]eek the assistance of your supervisor who will attempt to resolve the situation forthwith.

The remaining three go into more detail of how the complaints should be handled. School District D goes through stages of an informal complaint whereby an informal complaint is made, the responsibilities of the authority receiving an informal complaint, the process of when an informal complaint is made against an individual, voluntary processed by the complainant. The authority receiving a formal complaint has responsibilities in determining means of resolving a formal harassment complaint and reporting the outcome. The appeal procedure is available to either party.

School District I has three steps in their investigative procedure. The first is the informal discussion where counsel, advisement, and recommendations are made to the complainant with an outcome of either resolution or proceeding into the second step.

The formal written complaint is the second step where copies are sent to the Superintendent of Personnel or designate, the person accused of the harassment, and a copy to the Affirmative Action Advisor. In this phase parties are advised of optional routes, time lines, and consequences. The outcome is either an informal resolution or a meeting of the Superintendent of Personnel or designate with both parties.

Step three is a request for fact-finding which is done by the Associate Director or designate and involves written or oral submissions with an opportunity for the parties to respond to each other. Assistance or advisement from other sources is available to both parties. "The Fact-Finder may decide to conduct investigations at any time prior to submission of a report to the Director and must make each party aware generally of the results of these investigations and give them an opportunity to respond" (p. 3). The outcome is the Fact-Finder reporting to the Director.

School District J has specific procedures when the individual involved in an incident reports the incident to the immediate superior. A request by the administrator for submission of a confidential written statement by the complainant or the administrator prepares a written record. A request is made for all members involved to keep the matter confidential. The administrator conducts an investigation, meeting with all parties involved either separately and/or jointly, with two Board representatives present and the person involved can be accompanied by someone of his choice. Following the investigation, the administrator prepares a written report of the findings and informs the immediate superior (who can be contacted anytime during the investigation) about the incident and the results of the investigation. The administrator then schedules a follow-up meeting with all involved to discuss the problem resolution or lack of it and outlines procedural steps to be followed. If the problem is unresolved the Director of Personnel will be informed and the written reports will be forwarded by the administrator concerned. The Director of Personnel will then discuss the incident with his superiors and propose a course of action to be taken. If the problem is still unresolved the Director of Personnel will consult with the union or association concerned. It is the responsibility of the Director of Personnel and superiors to keep the Chairman of the Board informed of developments. If the solution requires disciplining of the staff member it will be processed as described in the appropriate collective agreement or in the PAS.

(4) Assessing the validity of a complaint.

Of the 11 School Districts, 1 comes close to describing what may justify a complaint:

> School District Q.
> In determining whether the alleged conduct constitutes sexual or other forms of harassment one must assess all of the facts and circumstances, including the nature of the alleged sexual advance/ discriminatory behaviors, the environment and the context in which the incident is alleged to have taken place.

In nine of the School districts at the beginning of the policy there is reference, by way of a definition or description, as to what constitutes sexual harassment. However, in the policies there is no explicit statement or procedure that might justify a complaint.

Procedures once the complaint is received

Seven of the 11 School Districts have specific or general procedures once the complaint is validated:

> School District C.
> Immediate and appropriate corrective action shall be taken in substantiated cases.
>
> School District Q.
> Disciplinary action should be taken in substantiated cases. The nature of the disciplinary action will depend on the gravity of the misconduct and mitigating circumstances. It may range from a reprimand for a first offense of a petty nature, to suspension or dismissal for repeated offenses and serious cases involving threats or reprisals.
>
> School District D.
> [A] range of sanctions may be imposed on the respondent by the superintendent of school and the board of trustees. The sanctions depend on the nature and seriousness of the offense. For staff, the range of sanctions include a verbal warning, a written reprimand with a copy retained in the harasser's personnel file, transfer, demotion, suspension, and termination of employment. For students, the range of sanctions include a verbal warning, a written reprimand with a copy retained on the student's file, suspension, or expulsion.
>
> School District F.
> [I]t is determined that an employee is guilty of sexual harassment, such employee shall be subject to such disciplinary action or dismissal as determined by the Board.

> School District G.
> Where provisions exist within a Collective Agreement, they shall apply.
>
> School District H.
> The harassment of another employee constitutes a disciplinary infraction and will be subject to the whole range of disciplinary sanctions, up to and including termination of employment.
>
> School District J.
> If part of the solution concerning a reported incident requires the disciplining of a staff member, then the process described in the appropriate collective agreement or in the PAS shall be followed.

Appeal process

Seven of the 11 school districts that have sexual harassment policies have no formal appeal procedure included in the sexual harassment policy. However, that may not preclude the school districts having a general appeal procedure related to employee conduct such as School District C:

> For those matters which are covered by the employee's respective collective agreement or Employment Practices and Procedures, the matter may be pursued in accordance with the grievance or appeal procedure outlined in the said collective agreement of Employment Practices and Procedures document.
> In those instances where the matter is not covered by the employee's respective collective agreement or Employment Practices and Procedures, the issue may be pursued by the employee's submission of an appeal in writing to the Chief Superintendent of Schools or his designate within ten working days after the said action has been taken.

Three of the 11 school districts have mention of appeal procedures included in their sexual harassment policy:

> School District Q.
> Employees of the School District who are not satisfied with the action taken with respect to a complaint may appeal the decision to the Chief Superintendent.
>
> School District D.
> Either party has the right of appeal to the board of trustees if dissatisfied with formal complaint resolution procedures.
> Either party has the right to seek civil redress through the courts or to file a complaint with their union or the . . . Human Rights Commission providing that it is filed within six months of the most recent incident.
>
> School District J.
> If, following the application of the specific procedures, the incident has not been resolved to the satisfaction of the individual(s) concerned, then the situation may be identified as a topic for consultation at one of the regularly scheduled consultation meetings between the Board and association/union.

The Long-Range Preventive Scheme

Five of the 11 School Districts mention current procedures to educate administrators, professional and support staff, and students for the prevention of sexual harassment in schools:

School District E.
All staff are reminded of the policy at the beginning of each school year . . . .

School District D.
Copies have been sent to all school administrators with a request that they discuss the information with staff and students. An information pamphlet is under development.

School District G.
The Division shall work with all employee groups in recognizing and dealing with sexual harassment.

School District I.
In order to assist board personnel and students in understanding what sexual harassment is, the ways in which it causes discomfort to the people affected, and ways in which all of us can help to prevent it and stop it, the Equal Opportunity Office, through the Affirmative Action Advisor, will offer workshops and other resources.

School District J.
To the Principals of All Schools - Please take the time to read the document carefully. It is a firm statement of policy to be enforced so that all individuals may work and learn without fear of discrimination or harassment of any kind.

Inclusion of Students in Sexual Harassment Policy

The policies show that of the 11 School Districts that have a sexual harassment policy, 4 include students in their policy and 3 include volunteers/non-employees. A number of School Districts which do not have a harassment policy relating specifically to students pointed out that they have a policy dealing with Child Abuse. While clearly not directly relating to harassment, the policies on Child Abuse are broad ranging in terms of the behaviors expected of teachers and far exceed the minimum legal requirements in this area. There is probability that the other 5 School Districts may also have other policy related to student protection against harassment and safety that was not included in their responses. There was also 1 school district that did not make mention of students in the policy however, the cover letter stated, "This has been an effective policy in terms of giving our employees and students the security of knowing that such a policy exists" (School District F).

Effectiveness of Sexual Harassment Policy

The responding school districts were asked to comment on the effectiveness of the established policy. Of the 11 school districts that have sexual harassment policies only three responded to the question.

> School District C.
> To my knowledge we have not had a reported incident of sexual harassment so it doesn't appear to be a major issue in the district.
>
> School District E.
> All staff are reminded of the policy at the beginning of each school year and to date we experienced no problems with it.
>
> School District F.
> This has been an effective policy in terms of giving our employees and students the security of knowing that such a policy exists.

As shown in the responses of the three school districts there has been no occasion to test the effectiveness of the policy. At this point the question of effectiveness can be considered premature. There was no indication of dissatisfaction with the established policies by the remaining eight school districts.

Summary

In this chapter, 22 school districts were reviewed for existence of a sexual harassment policy. Also examined, in school districts with policy, were the definitions of sexual harassment in the policy, the perceived need, the stages of the complaint process in the policy, the long-range preventive scheme, and the inclusion of students in sexual harassment policy. School districts without policy were reviewed as to the reason for lack of policy formation.

The data reveals differences in the perceived need for sexual harassment policy in the school districts surveyed; and variations in the format of sexual harassment policy in the school districts with policy.

CHAPTER 5

Discussion and Recommendations

Discussion

The purpose of this study was to formulate a standard guideline for sexual harassment policy that would serve the needs of school boards Canada-wide and which would effectively promote harassment-free environments in our schools for both employees and students.

To review sexual harassment policies currently existing in the major school districts, information was sought in the form of two open-ended survey questions with requests for a copy of the school districts' sexual harassment policy.

The survey questions and the policy statements provided answers to the following:

Existing Policies in Canadian School Districts

Twenty-four major school districts were surveyed. Twenty-two (91.7%) responded and 11 (50.0%) school districts had a sexual harassment policy, 8 (36.4%) had no sexual harassment policy, 2 (9.1%) school districts were in developmental stages of forming policy, 1 (4.5%) school district was using another source, the provincial law. Two school districts did not reply after receiving the initial survey letter and a follow-up letter.

Fifteen of the school districts were Protestant/public and 9 were Catholic. All 15 Protestant/public school districts replied; 7 of the 9 Catholic school districts replied. Of the 2 school districts that did not reply, 1 of the school districts is located in the region of the prairie provinces and the other in the maritime region. There is no definable significance in the absence of replies from the 2 Catholic school districts.

Of the 11 school districts with policies, 3 established their policies before 1985 and 8 school districts instituted their policies within the past five years. Including the 2 school districts currently developing policy, 5 of the 13 school districts have policies two years old or less with a mean age of approximately four years for the policies in 13 school districts. It is apparent, then, that the interest in sexual harassment policy is a recent occurrence in the major school districts surveyed in Canada.

School Districts' Definitions of Sexual Harassment

Nine of the 11 school districts have definitions of sexual harassment accompanying the policy statement. The 2 school districts not having definitions accompanying their sexual harassment policies leave the policy statement open to interpretation of what defines an act of sexual harassment. Without a clear indication of what constitutes sexual harassment, the individual relying on the policy as a guideline has no reference point from which to measure whether the behavior is harassing. Similarly, the person accused of harassing behavior, and, indeed, the person in authority who receives a complaint from an employee will be unable to gauge whether the harassment complaint is a valid complaint. Sexual harassment policy, for that matter any policy, with no definition or description of the term or policy topic may be as problematic as having no policy at all.

Perceived Need

School Districts with Policy

The majority of school districts created sexual harassment policies proactively. The remaining school districts reacted to societal concern recognizing that increasing interest in the protection of employees could at the same point force the development of policies in the area. Even the one board that developed policy as a result of contract talks between the Teachers' Association and the School Board did so not in reaction to complaints but rather to have a policy in place should a need develop. The decision taken by boards to address the issue of sexual harassment may have been given impetus by the formation of provincial and federal laws related to the area of employee protection.

Although only one school district mentioned societal concern specifically as a reason for policy formation it is apparent that society is becoming more concerned with the issue of sexual harassment in the year and a half since the survey was initiated. The media increasingly headlines cases of sexual harassment; the Alberta Human Rights Commission is receiving more sexual harassment complaints (Ng, 1990); and the Alberta Women's Issues minister, Elaine McCoy, established a three member board to hear a case of sexual harassment as a result of an increasing number of sexual harassment complaints (Ng, 1990). In some instances, even the establishment of extensive sexual harassment policy by educational agencies does not provide sufficient guidelines for situations which involve inter-agency collaboration. For instance, while schools and universities may have effective, proven guidelines, neither organization may have considered the possibility of sexual harassment complaints lodged by a member of one organization against a member of the collaborative organization. Student Teachers may be in such a position. A Student Teacher protected from sexual harassment via policy at a University may not find the same protection in a practicum even if the school board involved has a well-established policy for its own employees.

One school board formed policy as a result of talks between the Teachers' Association and the School Board during contract negotiations. The practice may increase as Teachers' Associations receive word of complaints and encourage teachers to be aware of their rights and responsibilities in the schools regarding sexual harassment. In the future, school boards without policy may receive requests to form policy by teachers and/or Teachers' Association representatives.

When school boards developed sexual harassment policies the reasons for the development of the policy may have varied considerably but in each case sexual harassment complaints appear not to have been an issue. Rather the policy was instigated as a measure to protect the school district from any future legal ramifications.

Four school districts did not reply to the question related to perceived need (see Appendix C, School Districts D, H, J, & U).

School Districts Without Policy

The majority of school districts without policy responded with explanations of why they have not formed sexual harassment policy. The school districts stated that sexual harassment has not been an issue, nor a problem, and the issue has not been raised at the Board level or by any groups associated with the schools (School Districts L, O, & N). Others stated it was a matter of priorizing policies to be developed (School District M) and making use of other policies such as a government mandated policy that is all inclusive, and a non-discriminatory policy (School District S, T, & B). One school district with no written policy elaborated on the fact and explained that a sexual harassment complaint would be responded to in a manner as would any other issue requiring disciplinary action (School District K).

If a sexual harassment complaint would arise in any of these school districts how would the school district deal with the issue without any reference to policy guidelines? Who defines whether the sexual harassment complaint is justified? One would speculate that the sexual harassment issue may have to be dealt with outside of the organization either by the Teachers' Association, the provincial Human Rights Commission, or by the courts.

In most school districts with sexual harassment policy the initial action to resolve a complaint involves personal, informal, school-based methods of dealing with the incident in hopes that a reasonable, confidential resolution could be attained. The complainant would either speak to the harasser directly about the incident or would send a letter to the harasser, depending upon the comfort level of the complainant. A sexual harassment complaint may involve the issue of a misunderstanding or misperception of the incident which can be dealt with through discussion and change in behavior. For districts without policy it is this in-school process which must work. If a formal complaint is lodged outside of the organization a major incident may arise involving all parties including the school board.

One school district states the reason why sexual harassment policy has not been developed is that provincial law covers sexual harassment and the development of policy would be redundant. One might speculate as to why three other school districts in the same province feel the need to have sexual harassment policies to provide protection for employees and students. Perhaps the confusion can be clarified only when subsequent complaints are processed.

Two school districts are in the stages of developing sexual harassment policy (see Appendix C, School Districts W & V).

Policy Stages

The mechanism in place for accepting complaints

(1) The responsibility of the individual who claims to be harassed or discriminated against.

All the school districts state, in their sexual harassment policies, that it is the responsibility of the individual who claims to be sexually harassed to report the incident. The majority of school districts indicate that the victim may wish to resolve the situation informally by approaching the harasser, verbally explaining the situation, and asking the harasser to stop the inappropriate behavior, or write a letter to the harasser detailing the same.

A review of the literature on sexual harassment explains that traditional societal patterns of the behavior between men and women often lead to instances where either the harasser or the victim are unclear as to what is inappropriate behavior. Policy guidelines and a clear definition of sexual harassment would alleviate such gray areas and enable the individuals to deal with the matter in a constructive, responsible manner. An informal discussion is also a way to alleviate an embarrassing situation if the harasser truly is unaware of the inappropriateness of the behavior. If, however, the harassment continues the complainant will have evidence, by documenting the informal discussion or have a copy of the letter, for a formal complaint. The importance of documentation for dealing with subsequent action has been documented in other educational areas notably the more recent concern with the process of teacher evaluation and termination of employment related to unprofessional conduct and incompetence (St. Albert School District No. 6, 1987a; St. Albert School District No. 6, 1987b; Blazina v. Calgary Roman Catholic Separate School District No. 1, 1989; MacDonald v. County of Red Deer No. 23, 1986).

(2) Who addresses the complaints.

In most school districts the initial stage of a sexual harassment complaint is dealt with by the complainant discussing the inappropriate behavior with the harasser. Some school districts request that a person in authority be contacted immediately and informed of the complaint although the matter is still in the informal complaint stage. If a complainant is not able to reach a resolution with the harasser it is clear that the person in authority is responsible for investigating the incident(s) to determine a just resolution to the case.

The school district policies mention that if the person in authority is the harasser the next superordinate should be consulted. It is also interesting to note that the person in authority who is to investigate the matter is expected to do it quickly, seriously and in a confidential manner. The policies usually include a proviso that the people who are directly or indirectly involved keep the details of the case confidential.

It has been determined that the person in authority is usually responsible for dealing with sexual harassment complaints. However, if a person in authority were to educate staff about sexual harassment, difficult situations might not arise. Therefore, the person in authority takes on the responsibility of prevention not persecution, a proactive role more befitting an educational institution. Backhouse and Cohen (1981) have found that people are often unable to distinguish between a consensual relationship and coercive sexual harassment, and they strongly advocate that society must be informed to recognize the difference.

(3) The procedure for handling the complaints.

The majority of school districts make a general statement of how the person in authority should handle the complaint. There are no methods or procedures outlined. In 3 school districts, however, there are details as to how the complaints should be handled. Considering the sensitive nature of a sexual harassment case the complainant, harasser, and person in authority would most likely benefit from having guidelines as to what to do, who to see, what will be done, the procedures, and the consequences. A major concern might well involve the potential for creating more difficulty for the complainant--through lodging a formal complaint--than the issue is worth. If no guidelines exist, then neither the complainant nor the one accused have access to a procedure that allows them to weigh their options and proceed accordingly.

(4) Assessing the validity of a complaint.

The validity of a complaint is described by only one school district, and then in very general terms. The inference here could be that the other school districts use their definition of sexual harassment as their guide to validate a complaint, except for the two school districts that do not have definitions of sexual harassment. Would those two school districts be able to use the legal, provincial statues to validate a sexual harassment case without having to involve the law and the Provincial Human Rights Commission? Would the definitions of sexual harassment alone stand up to scrutiny in determining the validity of a sexual harassment complaint? The school district describing "whether the alleged conduct constitutes sexual or other forms of harassment" (School District Q) is responsibly indicating a more committed and secure procedural foundation for employees, students, administrators, and those individuals associated with the educational institution.

Procedures once the complaint is received

The majority of school districts do have procedures for corrective action once a complaint is validated. Some are more detailed than others but there are no set penalties if the case is substantiated. A few school districts offer a range of sanctions from a verbal warning to termination of employment; others rely on disciplinary action, determined by the Board, or provisions in a Collective Agreement. It is important for employees of any organization to be aware of the consequences of their actions if those actions are contrary to policies, practices, and regulations. It is perhaps in this area that too much prescription might be counter productive. That is, each complaint will have some unique features that may require more discretion than prescription with respect to corrective action.

Appeal process

There are few school districts that mention appeal procedures. Of the three that do, one of the school districts does not indicate who has the right of appeal, the complainant, the harasser, or an observing party. Such clarification is important for full understanding of policy and procedure. Although the majority of school districts that have sexual harassment policy do not have appeal procedures included it does not preclude the possibility that school districts have a general appeal procedure that is applicable to all policy related matters.

The Long-Range Preventive Scheme

Five of 11 school districts with sexual harassment policy mention current procedures for making staff aware of that policy. In some districts it is the school administrators' responsibility to make staff aware; the district itself takes responsibility for working with staff. In some cases, the policy-awareness concern is addressed through the Equal Opportunity Office (School Districts H, I & U). It seems reasonable that when Boards initiate a policy that affects their employees, some effort should be made to ensure that the affected employees are cognizant of that policy (Koontz & O'Donnell, 1972). If the members of the organization are informed and aware of actions and behaviors that can be considered harassing they can then be responsible for conducting themselves in a manner designed to avoid the creation of an offensive or uncomfortable working environment.

The Inclusion of Students in Sexual Harassment Policy

Just over one-third of the school districts having sexual harassment policy include students in their policy and over one-quarter also include volunteers/non-employees. It is possible that school districts which do not include students in their sexual harassment policy may have policy dealing with abuse and harassment of students in other sections or areas of their policy handbook.

It is interesting that students are often not included in policy such as sexual harassment. There is a definite power relationship between a teacher/administrator and a student (Backhouse & Cohen, 1981), and inequity of dealing with the opposite sex is still prevalent in our society (Backhouse & Cohen, 1981; Farley, 1978). The behavior of the male science teacher attending to the interests of the bright, keen male students and ignoring the bright, eager female students because of an attitude that women should not be in science is as inappropriate as the attitude of the female physical education teacher, in a co-educational class, who has higher performance expectations for the male students.

Since sexual harassment can affect students in the school environment, they should be considered in such policy.

The Process of Policy Formation

In reviewing the sexual harassment policies of the various school districts it is apparent that the responsibility of the process of policy formation is as important as the policy itself for the policy to be effective. That is, stakeholders should be involved in all stages of the process of policy formation. Only one school district elaborated on this issue and while the process admittedly took longer than initially expected it was considered to be an effective process by that Board.

Summary

Policy expressed in writing makes the policy-forming body accountable for the policy documented. In reviewing the school districts with sexual harassment policies, the observation has been that some organizations minimize detail and purpose in the explanation of the policy. This allows the organization to deal with the policy as they choose to interpret it and, as noticed earlier, such flexibility in matters like corrective action might be seen to be appropriate. However, the organization should be aware that the flexibility may create some difficulty for those relying on the policy to protect them, and for those who must defend the policy in the eye of scrutiny. A succinct and well-defined policy makes clear to everyone the extent of organizational expectations and responsibility, the accountability of the individual in the organization, the mechanisms for dealing with instances of breach of policy, and the potential outcomes of the process.

In reviewing the responses of the eleven school districts not having sexual harassment policies, it is clear that policies are not formed if there is not a felt nor requested need. However, if a case arises, school districts may be forced to bring about a policy or rely on basic teacher conduct policies to carry them through. The question of need for sexual harassment policy is relevant as half of the respondents do not have policies. Consideration must also be given to the school districts that formed sexual harassment policy as a proactive means although there was no need. Therefore, policy as a preventive scheme should theoretically be implemented by all school districts. "Policies are guides to action and ensure consistency of procedures throughout an organization" (Guthrie and Reed, 1986, p. 297). Why is sexual harassment policy being made in organizations where there is no need and no policy is made in other organizations that also do not have a need? Should policy be need based or preventive based or both? Both government agencies and post-secondary educational institutions are making sexual harassment policies preventive as well as to impede continuance or recurrence of incidents. Why are school districts void of this responsibility especially since at this level, students can be most influenced in the teachings of harassment free environments so that when they get into the work force their behavior towards males and females can be equitable. It is therefore important for teachers and administrators in schools to be aware of what constitutes sexual harassment and the damage it can do in their dealings with both professional/support staff and students.

Recommendations

The majority of school districts are conscious of the need for a sexual harassment policy if the findings of this study are accurate. That is, 11 of the 22 Districts' responses indicated the existence of policy. In addition, 2 school districts were in the developmental stage of forming policy; another school district lacking specific policy does have policy on non-discrimination; and yet another has policy that is "all inclusive". One additional school district indicated that sexual harassment policy may become an issue in the near future.

Increased awareness and a heightened sensitivity about the issue of sexual harassment could conceivably influence school districts to form policy. Districts without policy could be influenced to devise policy through the knowledge obtained from other school districts.

Were a case of sexual harassment to arise in a school district that does not have a policy, it is likely that this school district would be forced to prepare a policy to deal with the matter or look to outside sources such as the Provincial Human Rights Commission which would involve formal complaint proceedings.

It is clear from the research findings that policy-making dealing with sexual harassment is a recent phenomenon as most policies have been formed in the last five years. However, as with all policy making, it must be carried out in a professional manner that meets the goals and objectives of the organization, to serve the intended purpose and target people, the employees and students.

School districts contemplating the development of sexual harassment policies would be well-advised to consider the following guidelines:

Policy Guidelines

Statement of Commitment.

The School Board, as an organization, should make a statement that indicates its responsibility and commitment to its employees and students. The commitment is towards a working and learning environment free of sexual harassment. A statement of this sort assures all those affiliated with the school district that the policy is important and the subject matter is serious enough to warrant a written commitment for all to see. For example, "The . . . Board of Education considers itself responsible for the protection of its employees' and students' human rights and dignities. Included here is freedom from sexual harassment in the place of employment and schooling" (adapted from School District E).

Policy Statement.

A clear, succinct, statement of the contents of the policy is essential for the employees, students, parents and others in the community to understand its implications. For example, "Individuals within . . . Schools have the right to an environment free of discrimination, and harassment as set down in the Canadian Charter of Rights and Freedoms and the . . . Individual's Rights Protection Act. The harassment of another employee or student constitutes a disciplinary infraction, up to and including termination of employment" (adapted from School Districts D & H).

Definition.

Following the policy statement, an explanation of the terms in the policy and clarification of the policy is made. For example, "individuals", "discrimination" and "harassment" (including sexual harassment) would be defined along with descriptions of the actions and behaviors. As well, the applicable sections from the Charter and the Provincial Act would be included.

Education for Prevention.

This provides a School Board with an opportunity to ensure understanding and advocate prevention of sexual harassment. For example, services such as those provided by School Districts can assist in this area. "In order to assist board personnel and students in understanding what sexual harassment is, the ways in which it causes discomfort to the people affected, and ways in which all of us can help to prevent it and stop it, the Equal Opportunity Office, through the Affirmative Action Advisor, will offer workshops and other resources" (School District I). A phone number is given for arranging workshops and references to resources such as films, books, pamphlets and recordings are given along with information as to where they can be obtained. School districts may not have have an Equal Opportunity Office nor an Affirmative Action Advisor. In such cases there may be an individual from personnel or central office administration who would be trained and well versed on the subject of sexual harassment and who would be designated to provide workshops and reference information.

Procedures.

Complaint. An employee or student who finds a particular action offensive would be able to obtain assistance and guidance from the designated individual, the affirmative action representative, personnel officer, or a union representative in determining the implications of the incident and in offering advice. In the case of a student, a counselor, teacher, or administrator could offer assistance.

To avoid a possible situation of gross misunderstanding, the complainant should discuss perceived inappropriate behavior with the harasser or, depending on the comfort level of the complainant, write a letter of explanation to the harasser (School Districts A, C, D, F, H, I & Q). Included in this discussion or letter should be a request that the behavior stop (School Districts A & H). In all cases this process should be documented by the complainant, as supporting information, should a formal complaint be filed in the future (School Districts D & H).

It is the responsibility of the individual who claims to be sexually harassed to report the incident. This complaint should be made to a person in authority after the complainant has determined that the discussion with the harasser was unproductive in stopping the inappropriate behavior (School Districts A, C, D, E, F, G, H, J, Q & U).

Investigation. The person in authority should review the incident and determine whether it is justified through a confidential investigation of the incident by interviewing the complainant, the respondent, and any witnesses (School Districts C, F, J, & U). Referring back to the sexual harassment policy statement and definition and the laws of the land, the person in authority would determine the validity of the complaint. The person in authority may wish to consult confidentially with a higher authority on the matter.

Resolution. The results of the investigation should reveal the validity of the complaint. It would then be the responsibility of the person in authority to inform the parties involved of the results of the investigation. If there is insufficient evidence, in the case there should be no further proceedings in the matter at the school district level unless one of the parties wishes to appeal the decision or take it a stage further to where a formal complaint is filed. School districts should decide whether to have a formal complaint procedure at the school board level as the complainant always has the option of filing a formal complaint with the Provincial Human Rights Commission or filing a charge with the police.

If there is sufficient evidence to warrant punitive measures, then the school district should have in place a range of disciplinary actions. The accused party should have access to the appeal process.

Appeal. It would be advantageous for either party to be able to appeal any decision determined by the outcome of the investigation.

Confidentiality. Confidentiality is of the utmost importance and it should be obvious to anyone that reasonable efforts should be taken to ensure the confidentiality of any harassment complaint. However, absolute confidentiality cannot be guaranteed owing to the need for an investigation and the need to inform the respondent of the nature of allegations" (School District D).

Retaliation. Retaliation is "action with the intent of dissuading or punishing an individual for participating in the complaint resolution process (i.e. complainant, witnesses, respondent, investigator)" (School District D). Retaliatory action may result in sanctions applied to the person(s) involved. Therefore, it is imperative that all individuals involved with the sexual harassment case are aware that they have protection against retaliation.

Evaluation of the Policy. Evaluating the sexual harassment policy is a necessity for school boards. The school board has to be informed about the performance of the policy in satisfying the goals and objectives of the organization (Dunn, 1981). The target group for which the policy was initiated must have been served in cases that did arise (Dunn, 1981). Additional budgetary costs and/or output of resources during a sexual harassment case must be determined (Brewer & deLeon, 1983; Dunn, 1981). The policy must also be reviewed to reveal creation of any new problems (Brewer & deLeon, 1983) or whether the policy is useful to the organization and should be continued, modified, or terminated (Brewer & deLeon, 1983; Cunningham, 1985; Mitchell, 1988).

Conclusion

In conclusion, sexual harassment policy-making is still in its infant stage of development at the school district level. The issue of sexual harassment has become more predominant as society develops a greater awareness of what it means and the detrimental impact it is having in the workplace. Increased awareness and heightened sensitivity about sexual harassment may promote action in the policy development area in school districts if the question of need is answered.

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Appendix A

Initial Survey Letter

September 2, 1988

(Superintendent's Name)
(School District Address)

Dear (Superintendent's Name):

I am conducting a country-wide survey of school districts in Canada which are currently administering or are developing policies dealing with sexual harassment in schools. My hope is to establish policy formation guidelines as a resource for other school districts. The research will be published in thesis form and submitted to the Department of Educational Administration at the University of Alberta where I am a graduate student. My supervisor is Dr. Ken Ward.

What I am interested in knowing is: Does your school district have a written policy on sexual harassment for employees and students?

If you have an established policy, would you be so kind to send me a copy, including the date of its acceptance and perhaps a brief explanation of what primary concern or event precipitated the formation of this policy. Also, has the policy been effective?

If no, would you please give me information as to why your school district has not addressed this issue through policy formation.

And if by coincidence, a sexual harassment policy is presently in the developmental stages, would you please explain to me what precipitated the formation of such a policy.

Your information would contribute greatly to my research effort, and for your convenience I have enclosed a self-addressed envelope. I would appreciate receiving your reply before November 6th, 1988.

Thank you for your kind attention and consideration.

Yours truly,

Ursula R. Schafer

Appendix B

Follow-up Survey Letter

November 15, 1988

(Superintendent's Name)
(School District Address)

Dear (Superintendent's Name):

I am writing this letter as a follow-up to the survey questions I had sent in September. I did not receive a response from you and thought that maybe the survey had not reached you, possibly due to a postal problem between Canada and the United States.

Enclosed is a copy of the original survey questions and for your convenience a self-addressed envelope for your reply. I would appreciate receiving this information before December 15, 1988.

Thank you for your attention. Your response is most useful to my research.

Yours truly,

Ursula R. Schafer

Appendix C

School District Replies and Policies

School District A

October 13, 1988

Dear Ms. Schafer:

Attached you will find a copy of our Policy and Regulations with respect to the harassment of employees.

This district does not have a policy pertaining specifically to harassment of students. This issue is covered in statements contained in the Teachers' Federation Code of Ethics and other district policies with regard to employee protocols and the Schools Act.

To my knowledge no specific incidents have led to the establishment of the enclosed policy. We are, however, responding to the general concerns expressed by society in protecting its members whether they be employees or students.

I hope this will be of value.

Yours truly,

ENCLOSURE

SEXUAL HARASSMENT

A. Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature when:

(a) submission to such conduct is made either explicitly or implicitly a term or condition of employment.

(b) submission to or rejection of such conduct is used as the basis for employment and/or evaluation.

(c) such conduct has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

B. Complaints

An employee who believes that he or she has a complaint of sexual harassment is encouraged to make a direct request of the harasser that the offensive behaviour or actions cease. If the request is unsuccessful, or if it is considered inappropriate or uncomfortable to make such request, the complainant may seek the confidential advice of the alleged offender's immediate supervisor.

The alleged offender's supervisor will seek to resolve the issue through discussion with the alleged offender.

If the difficulty cannot be resolved by the alleged offender's immediate supervisor, the complainant may begin formal grievance procedures already established for school district employees.

All investigations of sexual harassment will be highly confidential. Every effort will be made by investigators to protect the reputation of all parties involved during the investigation process.

Adopted: April 25, 1988

SEXUAL HARASSMENT

The Board recognizes the right of employees to work in an environment free from sexual harassment and agrees to cooperate in attempting to resolve, in a confidential manner, all complaints of sexual harassment which may arise in the work place.

Adopted: April 25, 1988

School District B

1988 October 11

Dear Ms. Schafer:

Further to your request, we have no specific written policy on sexual harrassment for employees and students.

However, I am enclosing a report of the Sexism Action Committee whose recommendations were approved by the Board for implementation. I am also enclosing our District policies on non-discrimination. I hope that these will be of some help to you, although not specifically on the topic.

Best wishes,

NONDISCRIMINATION

No person in the school system shall be discriminated against on the basis of race, religion, sex, age, handicap, cultural or economic background, or political beliefs. The letter and spirit of the Human Rights Code of shall be carefully observed, enforced, and supported, so that all members of the school community may work together in an atmosphere of tolerance and respect for individual differences.

This policy of nondiscrimination shall prevail in all matters of instruction and course selection; in employment, promotion, and assignment of staff; in providing facilities and access for the handicapped; in the choice of instructional materials and the provision of career guidance and counselling; and in all matters pertaining to race and community relations. Specifically, the Board prohibits the distribution of propaganda materials based on racial prejudice either inside schools or on school grounds.

Based on Board actions of 1975 September 16, 1978 June 19, 1980 December 15, and current practice

Adopted: 1983 October 18
Revised: 1985 November

LEGAL REF.: Human Rights Code of

AGREEMENT REF: Current Collective Agreement with V.M.R.E.U.

CROSS REFS.: AC-R, Nondiscrimination (regulations)
FB, Facilities Planning
GBA, Equal Opportunity Employment
IGBA, Programs for Handicapped Students
IIA, Instructional Materials
JB, Equal Educational Opportunities

NONDISCRIMINATION

The Board approved the following specific recommendations for the elimination of discriminatory practices in the school system:

1. FOR STUDENTS

Integration of Playgrounds, Classes, and Programs:

In accordance with the intent of the Human Rights Code of , all educational and recreational facilities, all courses, programs, activities, classes, and clubs under the jurisdiction of schools within the School District are open to all students unless reasonable cause exists to make such arrangements impractical or inappropriate .

2. FOR STAFF

Medical Records

Completion of the Teacher's Medical Record shall not be required as a condition of employment. Instead, a physician's written assessment of the teacher's physical and emotional well-being shall be submitted to the School Medical Health Officer for approval.

Administrative Forms

Where necessary, forms used by the School Board are to be modified to include titles such as Dr. and Ms. Communication between individuals should respect the individuals' preference in this matter when it is known.

Communications

Communications originating from School Board offices will attempt to set an example of sensitivity to current trends recognized in business and other professions, especially by avoiding language which expresses stereotypes based on gender.

Equal Opportunities in Administrative and Support Roles

Professional development programs will be designed to acquaint teachers with the role descriptions and expectations of educators in supervisory and administrative positions.

Integration of Staff Rooms

All staff rooms in schools will be fully integrated.

3. IN INSTRUCTION

Women's Studies - Curriculum and Program Development

It is recommended that consideration be given to the implementation of units in Women's Studies when curriculum guides are approved by the Ministry of Education.

Career Guidance

Career guidance programs will be implemented in the form of counselling, instruction, and/or work experience that will encourage all students to continue their education as individual interests and aptitudes dictate. All students will be encouraged to consider the possibilities of all occupational fields, regardless of career stereotypes.

Stereotyping and Discrimination in Instructional Materials

Regular evaluation of all educational print and non-print materials will continue in order to determine whether or not they contain discriminatory or stereotyping content. Information regarding these matters will be provided to staffs so that an increasing awareness of this problem in instructional materials used in the schools can be achieved.

Board-approved and issued 1975 September 16

CROSS REFS.: GBA, Equal Opportunity Employment
IIA, Instructional Materials
JB, Equal Educational Opportunities

Facilities for the Physically Handicapped

It is the policy of the Board to provide the handicapped access to all areas of school buildings. Specifically, students using wheel chairs will have access to all areas of a school, including a washroom, by the provision of elevators and/or ramps, under the following two conditions:

1. Provisions for the physically handicapped will be provided in all new school construction.

2. Provisions for the physically handicapped will be provided in a reasonable number of existing schools when these buildings are undergoing a major renovation, in order that the physically handicapped will have access to several schools in each of the four Vancouver School District areas.

Funding for improved facilities for the handicapped are included in the Board's annual capital estimates, in addition to funds required for the Board's regular capital program.

Board approved and issued 1980 October 20

CROSS REFS.: FB, Facilities Planning
IGBA, Programs for Handicapped Students

School Board
Education Services Group

AMENDED REPORT OF THE SEXISM ACTION COMMITTEE AS RECOMMENDED TO THE BOARD BY EDUCATION AND STUDENT SERVICES COMMITTEE

1987 March 12

Committee Members:

comparisons were available on the apparent significant differences in results obtained from semestered and non-semestered schools (pages 6 and 7). Discussion followed on the interpretation of these particular results, and a trustee asked that further information be supplied to resolve some of the apparent differences of interpretation. Another trustee referred to page 10 (B) Summary of Recommendations, noting the comments about the difficulty encountered by students transposing variables in an equation. The trustee asked whether these difficulties were being discussed with Math Department Heads, and agreed to raise this point specifically in sharing sessions with the appropriate department heads.

> IT IS RECOMMENDED that the Board receive the summary Research Report 86-10A, entitled A Summary Report on the District Survey of Achievement in Physics II Among Students During 1986 January and June, dated 1987 March 05.

It was agreed, in view of the late hour, that the final item on the agenda concerning Interculture Canada be deferred until the next meeting of this Committee.

A trustee spoke on the inappropriateness of attempting to discuss the last item during the limited time period, noting that the important background needed to be recognized by trustees, and the relatively short discussion should not be construed as disinterest on the part of the Committee.

6. Date and Time of Next Meeting

The next meeting of this Committee will be held on Monday, 1987 March 30 at 19:00.

REPORT OF THE SEXISM ACTION COMMITTEE

In 1985 February, the board received a report from the Sexism Survey Working Committee containing the results of a district-wide survey conducted by the committee and a number of recommendations (see Appendix A). In response to this report, the board directed that "an Action Committee be established to determine forthwith the manner in which the recommendations contained in the report of the Sexism Survey Working Committee may be implemented".

In 1985 March, the Sexism Action Committee was convened with representatives from each of the Elementary School Teachers' Association, Secondary Teachers' Association, and School Administrators' Association (Elementary and Secondary). The committee held several meetings prior to the temporary withdrawal of Association participation on board-related committees, and reconvened in 1986 March to complete its task.

In formulating a specific plan of action to recommend to the board, the Sexism Action Committee first reviewed the recommendations of the Sexism Survey Working Committee in detail and sought additional input from various district staff. The committee wishes to thank these individuals and give particular recognition to and for their leadership and assistance during the committee's preliminary discussions. The committee then developed a plan of action in draft form and circulated it to each Association. Based on the preliminary feedback received, minor alterations were made to the draft plan, and it was circulated again to the Associations for their formal responses. Copies of the correspondence received from the Associations are attached as Appendix B.

The committee's plan of action is presented in the form of two specific recommendations to the board. These recommendations are:

> THAT the board reaffirm its commitment to non-discrimination by establishing as an ongoing goal the elimination of sexism.
>
> AND FURTHER, THAT the board approve the following specific plan of action to implement the recommendations of the Sexism Survey Working Committee and work to eliminate sexism system-wide:

STRUCTURE FOR IMPLEMENTATION

- An advisory committee with representatives from and (Elementary) and (Secondary), which will be established on a one year trial basis to:
  - identify and/or develop curriculum resources to promote sexual equality and understanding for use in all areas of the curriculum K-12,
  - compile and disseminate information of relevance to teachers and administrators in eliminating sexism and sex role stereotyping,

- investigate ways and means of supporting school-based programs related to the board's action plan,
- provide information and support to Principals and School Consultative Committees, to eliminate sexism and sex role stereotyping,
- maintain liaison with the Race Relations Advisory Committee, and other board advisory committees, to promote awareness of cultural sexism, and to explore ways and means of addressing this issue, and
- provide liaison with the Faculties of Education related to programs for teacher training, and available resources and assistance.

- Within the existing available resources, a district staff member will be designated to provide leadership and support to the advisory committee, and to coordinate the implementation of the board's action plan.

PROGRAM AND CAREER OPPORTUNITIES

- School staffs will be encouraged to consider specific actions which might be taken in their school to eliminate sexism and promote sexual equality of opportunity for students.

- Schools will continue to provide ongoing opportunities for students to examine sex role stereotypes and explore career opportunities through such means as classroom activities, student conferences, seminars, career days, and other appropriate events.

- Schools will continue to develop guidance and counselling initiatives to promote sexual equality in course selection and greater student awareness of program and career opportunities.

- In keeping with board policy, schools will continue to ensure that all courses and programs are offered on a non-discriminatory basis.[1]

- Elementary and secondary school staffs, in consultation with the Coordinator of Physical Education and Athletics, will develop an action plan to promote coeducational opportunities in physical education courses and programs and ensure that they are timetabled, planned and organized on a non-discriminatory basis.[1]

- Secondary schools, in consultation with the Coordinators of Home Economics and Industrial Education, will develop an action plan to promote coeducational opportunities in grade 8 home economics and industrial education programs, and ensure that they are timetabled, planned and organized on a non-discriminatory basis.[1]

---

[1] Board Policy Manual, File AC-R: "In accordance with the intent of the Human Rights Code of , all educational and recreational facilities, all courses, programs, activities, classes, and clubs under the jurisdiction of schools within the School District are open to all students unless reasonable cause exists to make such arrangements impractical or inappropriate."

- The Coordinators of Home Economics and Industrial Education will investigate various alternatives for expanding and extending programs in the applied arts to include elementary students, as a means of making students more aware of their opportunities in these areas. Estimated costs of each alternative will also be identified as part of the investigation.

- The Career Action for Youth (CAY) Centre, in consultation with Student Services, will investigate expanding its career exploration program to include the senior elementary grades. Such an expansion would focus on the following objectives, including an analysis of projected costs:

    - providing conference opportunities for elementary students to explore career choices in non-traditional occupations,
    - developing an elementary career education curriculum resource guide, and
    - providing information and resources related to career choices to parents of elementary students, through liaison with the schools and School Consultative Committees.

CURRICULUM AND PROFESSIONAL DEVELOPMENT

- District staff will establish a set of criteria for identifying sexist bias in learning resources, and provide in-service programs to assist school and district staff in its effective application.

- In consultation and cooperation with the Associations, district staff will provide in-service programs designed to assist teachers and school administrators to examine teaching practices as a strategy for eliminating sexism.

PERSONNEL

- Personnel Services, in consultation with and (Elementary) and (Secondary), will

    - annually review and report on the distribution of male and female staff assigned to curriculum areas, grade levels and administrative responsibilities,
    - establish an action plan that leads to balanced gender distribution while maintaining the board's policy to select the best applicants for available positions in the recruiting, hiring and promotion of teaching staff,
    - provide retraining incentives and programs as a means of redressing identified areas of inequity of distribution, and
    - develop specific programs designed to identify and encourage women to pursue leadership positions within the educational profession.

RESEARCH AND EVALUATION

- The officials will initiate a formal evaluation of the progress made within the next two years to accomplish the board's action plan, with an interim report to the board at the end of the first year.

- District resources will be made available as required for further research related to the board's action plan and goal for eliminating sexism.

DISTRICT GOALS

1. DEVELOP AND IMPLEMENT A COMPREHENSIVE FAMILY LIFE AND HUMAN RELATIONS EDUCATION PROGRAM FROM K-12.
2. MAKE FINE ARTS PROGRAM AVAILABLE TO EVERY STUDENT FROM K-12.
3. INCREASE IN THE NUMBER OF PROGRAM OPTIONS AVAILABLE TO STUDENTS.
4. EMPHASIZE PUBLIC SPEAKING, DEBATING, AND PRESENTATION OF RATIONAL ARGUMENTS IN SUBJECTS ACROSS THE CURRICULUM AND ACROSS GRADE LEVELS.

(5) EMPHASIZE AND PROMOTE WOMEN IN SCIENCE.

MOTIONS

1. to develop and implement a public advocacy program on behalf of public education.
2. Change Consumer Education from a compulsory to a voluntary course.
3. Increase the Credit Allocation Plan to permit each and every student to have the necessary text materials.
4. Abolish the Fund for Excellence and put the money directly into the operating budgets of school districts.
5. Return the commerial and industrial tax to the local level.
6. Simply the Fiscal Framework and make it more flexible to use.
7. That a representative commission--made up of representatives of parents, teachers, administrators and trustees--be appointed to conduct a public inquiry into the state of education in with the intention that it will produce a set of recommendations about the future conduct of education.
8. go on record as being opposed to regional or county advisory bodies with responsibility for education.

District Goals and Resolutions submitted by to the Board at its 1987 February 16 meeting.

School District C

October 6, 1988

Dear Ms. Schafer:

In response to your letter of September 2, I am enclosing a copy of our policy and regulation on Code of Conduct for Employees. Reference to sexual harassment is included in the regulation.

There was nothing in particular which precipitated our including the section in the regulation. We were simply updating our regulations and included it as an issue which could arise. To my knowledge we have not had a reported incident of sexual harassment so it doesn't appear to be a major issue in the district.

Yours very truly,

Policy

CODE OF CONDUCT FOR EMPLOYEES

4,027

All employees have the duty and responsibility to endeavour to achieve the Board's goal to ensure individual student development through effective education. In that endeavour, all employees shall discharge with integrity that duty and responsibility to the Board, to the students, to the members of the public.

Therefore, the Board authorizes the Chief Superintendent to establish regulations to guide the appropriate behaviour of employees.

Employees who are in breach of the Code of Conduct may be subject to such disciplinary action, including dismissal, as is deemed to be appropriate.

Approved: June 27, 1978

1st Amendment: April 28, 1987

CODE OF CONDUCT FOR EMPLOYEES

4,027

The Code of Conduct is intended as a guide for Board employees in their conduct in certain specified areas. It is not intended to be exhaustive or to provide specific guidance in every circumstance. Common sense, good judgement and discretion shall prevail in application of this Regulation.

Further, the Code of Conduct is not intended to restrict or interfere with provincial statute, or the fundamental rights and freedoms that an employee enjoys as a citizen of Canada, or the rights that an employee may have as a member of a trade union to participate in authorized trade union activities, nor is it intended to regulate, restrict or interfere with any private interest or activities that are not detrimental to the interest or reputation of the Board.

I. General

1. Employees, in the pursuit of their duties, shall treat students, parents and other members of the community with dignity, respect and consideration.
2. Employees shall adhere to their respective negotiated Collective Agreements. Employees who are exempted from collective bargaining shall adhere to the Employment Practices and Procedures for their respective employee group.
3. Employees shall adhere to the approved Policies and Regulations of the Board of Education.
4. Board employees shall conduct their employment responsibilities in an honest and diligent manner.
5. Employees should not engage in any activity of any nature which would conflict with their duty to the Board of which could reasonably be expected to be detrimental to the interest or reputation of the Board.
6. Private endeavors must not provide the appearance of an opportunity for wrongdoing or unethical conduct.

   (a) Private endeavors are all those aspects of an employee's activity outside those connected with official Board duties.

(b) These include:

(i) financial interest;
(ii) paid and unpaid activities beyond official duty; and
(iii) relationships with third parties who may be
- employed by the Board
- doing business with the Board
- seeking employment or benefits from the Board

7. It is recognized that certain employees of the Board may belong to professional associations and that such employees are expected to adhere to the codes of conduct as established by their respective professional associations. It is not intended that this Regulation infringe on the said codes of conduct.

II. Conflict of Interest

1. Employees of the Board shall be deemed to be in conflict of interest if they:

(a) are party to a subsisting contract with the Board other than a contract of employment under which money of the Board is payable or may become payable;

(b) have a shareholding interest in any private corporation (other than a corporation whose shares are publicly traded) which has a subsisting contract with the Board under which money of the Board is payable or may become payable;

(c) use information gained through their positions as employees of the Board to gain pecuniary benefit either directly or indirectly;

(d) disclose information gained through their positions as employees of the Board for the benefit of others; or

(e) are party to a contract with the Board for the lease or purchase of real estate property or holdings, without the prior approval of the Minister of Education.

2. Sections 1. (a),(b),(c) and (d) do not apply if employees have the prior approval of the Board, via the Chief Superintendent or his delegate, to enter into a contract with the Board or with persons contracting with the Board.

3. If at the date of the approval of this Regulation, any employees are in receipt of a contract with the Board under which money of the Board is payable, they shall so inform the Superintendent of Finance & Treasurer, Division of Finance-Business Administration.

III. Criminal Conduct

1. Employees shall be expected to notify the Superintendent of the Division of Personnel of all criminal charges at the time the charge is issued, except for minor traffic violations.

2. Employees charged with an offence under the Criminal Code of Canada may be suspended from employment dependent on the nature of the offence and its relationship to their duties. Circumstances will dictate whether the suspension is with or without pay.

3. Conviction of any criminal offense may result in termination of employment with the Board.

4. Applicants for employment will be required to submit a statement declaring all convictions, except for minor traffic violations.

IV. Gifts and Payments

Board employees shall not accept a gift, payment, favour or service from any individual or organization in the course of performance of their assigned duties if that gift, payment, favour or service:

1. Is other than a normal exchange of hospitality between people doing business, or

2. Affects the fair and unbiased reception or the evaluation of the materials or services offered for use by the Board.

V. Misuse of Board Property

1. Board property, including vehicles, equipment and material, shall be used only in the performance of assigned duties and shall not be used for personal benefit or non-Board use.

2. Principals or managers have the authority to develop procedures relevant to the use of Board-owned property in their particular school or department dependent upon the nature of assigned duties and the equipment or property used to perform same.

3. Principals or managers may authorize the use of supplies or equipment by Board personnel off Board-owned premises if they feel that such use will assist employees in their assigned work. It may be required that some personnel regularly retain Board-owned supplies or equipment in their possession.

4. Principals or managers releasing such equipment are responsible for maintaining a written record of same indicating the time of release, the signature of the user, and the date on which the item is returned.

5. Employees are held responsible for exercising all reasonable care to prevent abuse to, excessive wear of, or loss of Board-owned equipment or material entrusted to their care.

VI. Outside Employment

1. Employees may take supplementary employment, including self-employment, unless such employment:

   (a) is performed in such a way as to appear to be an official act or to represent an opinion of the Board, or
   (b) interferes with, influences or affects the performance of duties for the Board.

2. Staff in the positions of Director, Assistant Superintendent, Associate Superintendent, Area Superintendent, Divisional Superintendent and Deputy Chief Superintendent of Schools shall not become engaged either as a Director or in the management of any commercial enterprise except with the express approval of the Chief Superintendent of Schools. The approval of the Chief Superintendent will not be unreasonably withheld if the aforementioned staff members' involvement in the commercial enterprise does not have a connection with or an adverse influence on the Board of Education.

3. Employees who author or create print, non-print, courseware/software or other instructional resource materials are deemed to be the owners of this material only if such materials are developed on the employees' own time.

VII. Sexual Harassment

The term "sexual harassment" is defined as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

1. Board employees are entitled to perform their duties free from any act of sexual harassment in the context of their employment.
2. Employees who believe they have been the subject of sexual harassment have a responsibility to make an objection clearly known to the offender and/or any person in authority, as may be appropriate.
3. A person in authority who receives a complaint of sexual harassment shall investigate the matter promptly, seriously and in a strictly confidential manner.
4. The person in authority who receives a complaint of sexual harassment shall immediately apprise the Superintendent of the Division of Personnel of the complaint.
5. Immediate and appropriate corrective action shall be taken in substantiated cases.

VIII. Disciplinary Action

Breach of any of the provisions of this Regulation shall render employees liable to such disciplinary action, including dismissal, as is deemed to be appropriate.

IX. Right To Appeal

Employees who are not satisfied with action taken with respect to enforcement of this Regulation are entitled to pursue the matter in the manner set forth as follows.

1. For those matters which are covered by the employee's respective collective agreement or Employment Practices and Procedures, the matter may be pursued in accordance with the grievance or appeal procedure outlined in the said collective agreement or Employment Practices and Procedures document.
2. In those instances where the matter is not covered by the employee's respective collective agreement or Employment Practices and Procedures, the issue may be pursued by the

employee's submission of an appeal in writing to the Chief Superintendent of Schools or his designate within ten working days after the said action has been taken.

Approved: June 27, 1978

1st Amendment: April 28, 1987

School District D

October 13, 1988

Dear Ursula:

Your letter to Superintendent of Schools, has been forwarded to me for reply. When we last met you were preparing for your move to , and working on refining the focus of your thesis research. You are obviously coming along well, since you are into data collection.

Let me give you a brief update on developments which have occurred since our last meeting. As you are aware, a proposed policy, regulations and complaint resolution procedures for addressing discrimination and harassment had been formulated for consideration. Following review by the board of trustees, the information was distributed to all individuals who had participated in discussion groups and provided input during the initial stages of policy development. The document was very well received, and the general consensus was that it reflected the organization's philosophy and management style as well as issues and considerations raised by staff and students.

On June 28, 1988, the board of trustees approved a policy, and regulations for addressing discrimination and harassment, and complaint resolution mechanisms. These have been incorporated into Public Schools' Policy Manual and Operational Handbook. Copies have been sent to all school administrators with a request that they discuss the information with staff and students. An information pamphlet is under development.

The policy development and approval process spanned a time frame of one year. That planning period facilitated consultation with other school districts and organizations throughout Canada; allowed current information to be obtained regarding legal responsibilities (as defined by recent Supreme Court cases); and provided the opportunity to develop a base of knowledge, understanding and acceptance within the organization. The point I would like to stress is that the process was not different because the topic was "harassment and discrimination". It was a process which facilitates the development of effective policy, regulations and procedures.

Please do not hesitate to contact me if you require additional information or assistance. The attached document contains information which is available to the public, and you are welcome to include it in your work if that proves helpful to you.

Best Wishes,

ON JUNE 28, 1988, THE BOARD OF TRUSTEES APPROVED THE FOLLOWING POLICY STATEMENT AND REGULATIONS FOR ADDRESSING HARASSMENT:

BOARD POLICY

Individuals within Public Schools have the right to an environment free of discrimination and harassment as set down in the Canadian Charter of Rights and Freedoms and the Individual's Rights Protection Act.

BOARD REGULATIONS

(1) Staff and students shall not engage in conduct or behaviour which constitutes discrimination or harassment.

(2) Any individual subjected to discrimination or harassment has a responsibility to make it clear either to an individual in a position of authority, to the alleged offender, or to both that the behaviour is unacceptable.

(3) Any person in a position of authority who receives a complaint is responsible for ensuring that the complaint is addressed.

(4) Staff and students shall not knowingly and willfully submit harassment complaints based on false allegations.

(5) District procedures and practices shall incorporate complaint resolution mechanisms.

(6) Staff and students shall have access to information regarding complaint resolution mechanisms.

(7) Confidentiality shall be respected.

Definition of Terms

(1) Discrimination - is the denial of individual rights and freedoms in a manner which contravenes the Canadian Charter of Rights and Freedoms and the Individual's Rights Protection Act. The Individual's Rights Protection Act prohibits discrimination on the basis of

race, religious belief, colour, sex, marital status, age (over 18), ancestry, place of origin, and physical disability. The Canadian Charter of Rights and also prohibits discrimination on the basis of mental ability.

This definition of discrimination does not preclude the board's right to direct the educational placement of students, and to organize programs, services and activities on the basis of characteristics such as age, sex, physical or mental ability.

(2) Harassment - Under the Individual's Rights Protection Act, the term "harassment" refers to unwelcome, discriminatory conduct or behaviour which focuses on an individual's race, religious belief, colour, sex, marital status, physical disability, age (over 18), ancestry or place of origin by placing conditions upon an individual's work, study, access to services, educational or employment opportunities.

(3) Sexual harassment is unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature which:

(a) implicitly or explicitly makes submission to such conduct a term or condition of an individual's work or study;

(b) affects access to services, employment or educational opportunities;

(c) creates a hostile or offensive environment which interferes with an individual's work or study;

(d) intimidates, embarrasses, coerces or humiliates the victim. Harassment is not a relationship of mutual consent.

(4) Person in Authority is an individual who has supervisory responsibility for the respondent.

(5) Complainant is an individual or group of individuals who submit a complaint. A complainant may be a third party having knowledge of an incident of discrimination or harassment.

(6) Respondent is an individual against whom a harassment complaint is filed.

* * * * *

The policy is supported by complaint resolution procedures. Information pamphlets are currently being developed for staff and students.

RECOMMENDED COMPLAINT RESOLUTION PROCEDURES

All individuals have the right to work and study in an environment free of discrimination and harassment. Within Edmonton Public Schools complaints regarding discrimination and harassment can be resolved through an informal verbal complaint, through voluntary mediation, or by filing a formal written complaint with a person in authority.

The complaint resolution mechanisms are available to all individuals within Public Schools, but the district's procedures do not take away the right to file a complaint outside the organization with the Human Rights Commission, union, or through civil or criminal court.

INFORMAL COMPLAINT RESOLUTION PROCEDURES

I. Making an Informal Complaint

1. Information and Assistance

   (a) Staff can obtain advice and assistance regarding strategies for confronting harassment at an interpersonal level by contacting Employee Assistance.

   (b) Students can obtain advice and assistance regarding strategies designed to address peer harassment or teacher-student harassment by contacting a teacher, a counsellor or an administrator (principal, associate superintendent).

2. Making Objections Known

   (a) Depending upon the comfort level of the complainant, objections may be conveyed to the individual directly, or through a person in authority. The individual may be unaware that the behaviour is offensive and may be in violation of board policy.

   (b) Failure to make objections known through an informal, verbal complaint does not preclude the filing of a formal complaint with Public Schools, the union, the Human Rights Commission, or the police.

3. Keeping Written Records

   To assist in addressing the issue clearly it is recommended that written records be maintained by the complainant regarding the incident(s) and of any attempts to inform the respondent of the unacceptable nature of the behaviour (directly, or through reports to a person in authority).

II. Responsibility of the Authority Receiving an Informal Complaint

When an individual in a position of authority receives an informal, verbal complaint regarding harassment action must be taken to ensure the complaint is resolved within no more than three months of the date the complaint is received. The following actions should be taken by the person in authority to assist in resolving the complaint on an informal basis:

1. Provide the complainant and the respondent with information regarding discrimination and harassment, including board policy, regulations, and complaint resolution mechanisms.
2. Assist the complainant in speaking to the respondent directly, or speak to the respondent on the complainant's behalf to outline the allegations and attempt to resolve the complaint informally. The respondent is entitled to know the name or names of individuals making the informal complaint.
3. Advise the complainant and the respondent that assistance regarding strategies which can be used in an attempt to end harassment and resolve the complaint on an informal basis is available to staff through Employee Assistance, and to students through a teacher, a counsellor or an administrator.
4. Monitor the status of the complaint to see that it is satisfactorily resolved within no more than three months of the date the complaint is received.

III. When an Informal Complaint is Made Against an Individual

1. A staff member accused of harassment may wish to consult with Employee Assistance and a student may wish to consult with a teacher, a counsellor, or an administrator in order to obtain information regarding harassment or seek assistance in resolving an informal complaint.
2. If a complainant indicates that a certain behaviour is offensive, unwelcome or intimidating, it is expected that the behaviour will be discontinued.
3. If the behaviour appears to be in violation of board policy and does not stop, a formal harassment complaint may be filed.

IV. Voluntary Mediation

If the individual in a position of authority is unable to resolve the complaint, the complainant and respondent will be asked whether they are willing to enter into voluntary mediation in an attempt to resolve the complaint satisfactorily. Through the mediation process, a mutually acceptable resolution of a harassment charge may be worked out in which an educational and preventive focus is emphasized rather than sanctions or punishment. The goal is to ensure that the harassment ceases and does not recur in the future.

If both parties are willing to enter into mediation, a neutral third party acceptable to the complainant and respondent will be appointed by the person in authority to serve as mediator. If the informal complaint is not resolved through mediation, a formal complaint can be filed.

V. Outcome of an Informal Complaint

1. If a complainant confronts the respondent directly and resolves the problem at that level no sanctions are applied by the organization.

2. If an individual in a position of authority is asked to speak to the respondent and the behaviour appears to be in violation of board policy and regulations, a warning may be issued indicating that such behaviour is unacceptable. Failure to discontinue the behaviour may result in a formal harassment complaint .

3. If both parties enter voluntary mediation, an acceptable resolution may be achieved. If the complaint is not resolved through mediation, a formal investigation may be initiated.

FORMAL COMPLAINT RESOLUTION PROCEDURES

I. Responsibility of an Individual Filing a Formal Complaint

1. A formal complaint consists of a signed written statement outlining the charges, describing the specific incident or incidents, the dates (if available), and any witnesses who may have been present.

2. A formal complaint may be filed up to six months from the date of the most recent incident cited in the letter of complaint.

3. The complainant is responsible for notifying the person in authority if a complaint is filed with the Human Rights Commission, the union, the police, or if civil court action is initiated while the charges are still under review by Public Schools. The district may elect to process the complaint or stay the procedures pending the outcome of another investigation.

II. Responsibility of an Authority Receiving a Formal Complaint

1. A formal complaint shall be accepted and processed by an individual having authority over the respondent providing no more

than six months has elapsed since the most recent incident outlined in the complaint. The superintendent of schools may elect to consider a complaint received more than six months after the most recent incident under special circumstances.

2. The individual in a position of authority who receives the complaint will verify that the charges may represent a violation of board policy and regulations.

3. The person in authority who receives the harassment complaint is responsible for notifying the respondent and the superintendent of schools that a formal complaint has been received. The respondent and superintendent of schools will be provided with a copy of the formal complaint. Procedures for resolving a formal complaint will be outlined.

III. Means of Resolving a Formal Harassment Complaint

1. An individual acceptable to both parties will be appointed by the superintendent to conduct an investigation regarding the harassment complaint.

2. The complainant and respondent will have an opportunity to provide written submissions to the investigator and an opportunity to respond to the other party's written submission.

3. The complainant and respondent will have an opportunity to appear before the investigator to provide oral submissions. The complainant and the respondent will have the right to respond to one another's statements. The investigator will have the right to ask questions of the complainant and respondent.

4. The complainant and respondent may each have someone present to provide advice and assistance (i.e. legal counsel, union representative, colleague).

5. The investigator's findings will be detailed in a report to the superintendent of schools.

IV. Outcome of a Formal Complaint

Resolution of a formal harassment complaint will occur within three months of the date on which the complaint was filed.

1. Investigation Findings Support the Complaint

If the results of the investigation support the allegations in the letter of complaint, a range of sanctions may be imposed on the respondent by the superintendent of schools and the board of trustees. The sanctions depend upon the nature and seriousness of the offense.

For staff, the range of sanctions include a verbal warning, a written reprimand with a copy retained in the harasser's personnel file, transfer, demotion, suspension, and termination of employment. For students, the range of sanctions include a verbal warning, a written reprimand with a copy retained on the student's file, suspension, or expulsion.

2. Investigation Findings Do Not Support the Complaint

If the results of the investigation do not support the allegations, the complaint will be dismissed by the superintendent of schools and a letter will be issued indicating that the respondent has been cleared of all allegations. An individual who has been cleared of allegations of harassment has the option of requesting that a copy of a letter to that effect be placed in the personnel or student file.

3. Investigation Findings Indicate Complaint Was Intentionally Based on False Allegations

If evidence indicates that the complainant knowingly and willfully made false allegations in an attempt to cause harm to the respondent, a range of sanctions may be imposed on the complainant by the superintendent of schools and the board of trustees. The sanctions depend upon the nature and seriousness of the offense. For staff, the range of sanctions include a verbal warning, a written reprimand with a copy retained in the complainant's personnel file, transfer, demotion, suspension, and termination of employment. For students, the range of sanctions include a verbal warning, a written reprimand with a copy retained in the student's file, suspension, and expulsion.

V. Appeal Procedures

Either party has the right of appeal if dissatisfied with the formal complaint resolution procedures.

1. Either the complainant or the respondent may appeal to the board of trustees if dissatisfied with the resolution of a formal complaint.

2. Either party has the right to seek civil redress through the courts or to file a complaint with their union or the Human Rights Commission. A complaint can be submitted to the Human Rights Commission providing that it is filed within six months of the most recent incident.

VI. Retaliation

1. Mechanisms for addressing harassment are open to all individuals within Public Schools. No student or member of Public Schools staff shall take retaliatory action with the intent of dissuading or punishing an individual for participating in the complaint resolution process (i.e. complainant, witnesses, respondent, investigator). Sanctions may be imposed for retaliation.

2. Retaliation against individuals participating in the complaint resolution process is not to be confused with disciplinary action and sanctions imposed for harassment, or for sanctions imposed on individuals who deliberately and knowingly submit a complaint based on false allegations.

VII. CONFIDENTIALITY

1. Reasonable efforts will be made to respect the confidential nature of a harassment complaint. However, absolute confidentiality cannot be guaranteed owing to the need for an investigation and the need to inform the respondent of the nature of the allegations.

2. Confidentiality of information is not the same as anonymity. The respondent is entitled to know the identity of the complainant and to receive a copy of the letter of complaint outlining the allegations.

School District E

October 7, 1988.

Dear Ms Schafer:

Enclosed please find a copy of our school district's policy on sexual harassment as requested in your letter of September 2, 1988.

The enclosed policy was establish as a proactive means of dealing with a potential problem. All staff are reminded of the policy at the beginning of each school year and to date we have experienced no problems with it.

If you require further information, please do not hesitate to contact me directly.

Yours sincerely,

Board of Education Statement on SEXUAL HARASSMENT

Preamble

The Board of Education considers itself responsible for the protection of its employees' human rights and dignities. Included here is freedom from sexual harassment in the place of employment.

Definitions

For purposes of the School Division No. 13, sexual harassment is defined as:

> Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature that take place under any of the following circumstances:
>
> 1. When submission to the sexual advance is a condition of keeping or getting a job, whether expressed in explicit or implicit terms.
> 2. When a supervisor or boss makes a personnel decision based on an employee's submission to or rejection of sexual advances.
> 3. When sexual conduct unreasonably interferes with a person's work performance and creates an intimidating, hostile, or offensive work environment.

Action

While we are not in any sense attempting to discourage normal human relations on the job, we must also state that sexual harassment will not be tolerated in our organization. The onus is on the employee to report claims or inferences of unwelcomed sexual advances immediately after the alleged advance is purported to have been made. Therefore, incidences of sexual harassment should be reported in confidence directly to the Director of Education, who will take such action as he deems necessary to resolve the problem.

For those who would feel more comfortable discussing their concerns with a female supervisor, Area 1 Superintendent, has been appointed by the Director to hear such problems.

School District F

October 5, 1988

Dear Ms Schafer:

Attached is the policy of the School Division No. 4 regarding sexual harassment. The regulations contained in the policy are effective from September 9, 1986.

There was no single event that led to the formulating of this policy. It was deemed necessary at the time of its creation because of growing concern and awareness of sexual harassment in society. It was felt that our school division needed a policy in this area as a pro-active measure.

This has been an effective policy in terms of giving our employees and students the security of knowing that such a policy exists.

If you require further information please contact me. Best wishes on your thesis.

POLICY

SEXUAL HARASSMENT

The Board of Education of the School Division No. 4 of shall endeavour to ensure that its employees have a work environment free from sexual harassment.

Definition:

Specifically, 'sexual harassment' is defined as any unwelcome sexual comment, suggestion, gesture or physical contact that:

1. is made by a person who knows, or ought reasonably to know, that such action is unwelcome; and
2. causes discomfort and endangers the well-being, job security or job performance of the victim.

APPROVED: BOARD OF EDUCATION SEPTEMBER 9, 1986

REGULATIONS:

1. Sexual harassment is not the accepted social banter that might occur in the work environment, nor is it related to flirtation or an "office romance" between two consenting persons. These relationships are consensual, based on mutual attraction, and no intimidation is involved or intended.
2. Whenever possible, an employee who believes that he or she has been sexually harassed should endeavour to resolve the issue by direct discussion with the offending employee.
3. An employee who believes that he or she has been sexually harassed by another employee of the Board may inform the Director, in writing, detailing the complaint(s).
4. Upon receipt of a written complaint, the Director shall follow regular procedures for dealing with complaints regarding the behaviour of a staff member, including investigation of the circumstances relevant to the complaint. The person whose behaviour is alleged to be unacceptable shall be notified in writing of the complaint.
5. In dealing with allegations of sexual harassment, confidentiality shall be maintained by all persons involved, to the maximum extent possible.
6. Notwithstanding the above regulations, an employee who believes that he or she is the victim of sexual harassment may confidentially contact his/her employee group and/or the Human Rights Commission for advice and assistance.
7. If, as a result of an adjudication by the Human Rights Commission, it is determined that an employee is guilty of sexual harassment, such employee shall be subject to such disciplinary action or dismissal as determined by the Board.

REGULATIONS EFFECTIVE: SEPTEMBER 9, 1986

APPENDIX A

If you believe that you are the victim of sexual harassment:

- Do not feel guilty.
- Do not ignore it.
- Indicate to the harasser with an immediate, clear, direct and firm response that such behaviour is unacceptable. This response may include a warning that repetition will be reported.
- Maintain a detailed written record of events. Include the name, place, date, time and other particulars of the offensive behaviour. Whenever possible, record the name(s) of any witness(es).

School District G

October 24, 1988

Dear Ms. Schafer:

I am writing in response to your letter of September 2, 1988. My apologies for the delay.

The School Division No. 1 adopted a policy on Sexual Harasment in November 1987. The policy was developed as a result of discussions during negotiations with the Teachers' Association at which time the Division agreed to prepare a policy that sexual harassment would not be tolerated in the workplace and/or in connection with the workplace.

The Division also has a policy on Child Abuse "Student Safety" which was adopted by the Board at a meeting held in February 1986. The policy was developed to encompass the provincial guidelines on Child Abuse and to clarify the exact steps to be taken in the reporting of cases of suspected child abuse in The Winnipeg School Division No. 1.

I trust the information provided will assist you in your study.

Yours truly,

POLICY **GCPDA**

SUBJECT: SEXUAL HARASSMENT

APPROVAL DATE: November 10, 1987
REVISION DATE:
PAGE: 1 of 1

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1. **General**

   1.1 The Division shall not tolerate any form of sexual harassment in or associated with the workplace.

   1.2 The Division shall work with all employee groups in recognizing and dealing with sexual harassment

2. **Confidentiality**

   2.1 Situations involving sexual harassment shall be treated in strict confidence by the Division.

3. **Procedures**

   3.1 The Chief Superintendent or designee shall be responsible for the development of procedures to deal with reported cases of sexual harassment.

4. **Employees Covered by Collective Agreements**

   4.1 Where provisions exist within a Collective Agreement, they shall apply.

POLICY MANUAL

CODE: JHF

Date: February 26, 1985

STUDENT SAFETY

1. Child Abuse

1.1 Responsibility to Report Child Abuse

The following sections of the Child Welfare Act outline the responsibilities of and protection for professionals in regard to reporting child abuse.

> Duty of professional to report
> 36(3) Notwithstanding the provisions of any other Act, every person who in the course of his professional or official duties, has reason to suspect that a child has suffered or is suffering from abuse that may have been caused or permitted by a person who has or had charge of the child, shall forthwith report the suspected abuse to the director or a child caring agency.
>
> Protection for informant
> 36(4) Subsections (1), (2), and (3) apply notwithstanding that the information is confidential or privileged; and no action lies against a person who reports information to the director or a child caring agency in accordance with this section unless the reporting of the information was done maliciously or without reasonable or probably cause.

1.2 Policy of The School Division No. 1

The policy of The School Division No. 1 with respect to child abuse is one of compliance with the above sections of the Child Welfare Act and the Guidelines of Identifying and Reporting Child Abuse (April 13, 1984).

1.3 Duty to Report Child Abuse

Implicit in such compliance is the expectation that every member of the staff of The School Division No. 1 who has reason to suspect that a child has suffered or is suffering from abuse will report the suspected abuse to a child protection agency.

CODE: JHF

Date: February 26, 1985

1.4 Procedures for Reporting

Responsibility for clarifying child abuse reporting procedures will rest with the Chief Superintendent of The School Division No. 1. However, nothing in the reporting procedures is authorized which will, in any way, restrict, inhibit or disincline staff persons from reporting child abuse cases in accordance with Sec. 36(3) of the Child Welfare Act and their professional committment to children.

1.5 **Informing Staff of Their Responsibility to Report Child Abuse**

It shall be the responsibility of the Chief Superintendent of The School Division No. 1 at the beginning of each and every school year to inform all staff members of:

(a) their obligation to report child abuse cases as set out in Sec. 36(3) of the Child Welfare Act;

(b) the procedures for reporting actual or suspected child abuse;

(c) the provisions of Sec. 36(4) of the Child Welfare Act providing protection to those who provide information regarding child abuse.

(d) the Guidelines on Identifying and Reporting Child Abuse (Apr. 13, 1984).

ADMINISTRATIVE RULE/ PROCEDURE JHF-R

SUBJECT: REPORTING CHILD ABUSE
APPROVAL DATE:
REVISION DATE: August 23, 1988
PAGE: 1 of 2

In accordance with Section 36(3) of the Child Welfare Act, every member of the professional staff of The School Division No. 1 who has reason to suspect that a child has suffered or is suffering from abuse is required to report the suspected abuse to a child caring agency.

I. Procedures for Reporting Disclosure of Child Abuse

1. Upon disclosure of child abuse to a teacher (or other school personnel), the person to whom disclosure was made has the immediate responsibility of contacting a child protection agency in order to make an oral report.

2. The person to whom disclosure was made must inform the school principal:

   a) that a disclosure has been made, and
   b) that an oral report will be (or has been) made.

3. The person to whom disclosure was made must complete a handwritten report to be filed in the school office.

II. Procedures Regarding Suspicion of Child Abuse

1. If a teacher has reasonable cause to believe that abuse has occurred, that teacher has the immediate responsibility of contacting a child protection agency. As a result, one of the following will occur:

   a) the agency will confirm that a formal report should be made;
   b) the agency will consult with the teacher and suggest that further monitoring and documentation is needed.

2. The teacher must inform the principal

   a) that he/she has a "suspicion" that abuse has occurred
   b) that a phone call to a child protection agency will be (or has been) made.

3. The teacher should complete a handwritten report to be filed in the school office.

NOTE:

1. If the disclosure or suspicion involves a Division employee or other adult having access to children in the school, the Principal must inform the Superintendent immediately.

2. All information is to be kept confidential.

ADMINISTRATIVE RULE PROCEDURE JHF-R

SUBJECT: REPORTING CHILD ABUSE

APPROVAL DATE:

REVISION DATE: August 23, 1988

PAGE: 2 of 2

The following telephone numbers can be used when following the Child Abuse Reporting Procedures as defined for The School Division No. 1.

I To report cases of child abuse involving family members, any of the following numbers may be called:

1. Child and Family Services Agencies:

   a) Child and Family Services of Central

   b) Northwest Child and Family Services Agency

   c) Winnipeg South Child and Family Services

2. Abuse Unit - Child Protection Centre: Children's Hospital

   Contact: Case Manager
   Phone:

3. Police Department - Child Abuse Unit

   Contact: Shift Supervisor
   Phone:

II To report cases of child abuse involving third party assault (not a family member) call:

1. Police Department - Youth Division

   Contact: Shift Supervisor
   Phone:

EXHIBIT

SUBJECT: REPORTING CHILD ABUSE

APPROVAL DATE:

REVISION DATE: October 7, 1986

PAGE: 1 of 2

Guidelines
on
Identifying and Reporting Child Abuse

Child abuse is a grave, growing and often self-perpetuating problem, which knows no social barriers. Violence in the family is often physically and always emotionally devastating, not only to the child but to the entire family.

Its identification, treatment and prevention require the close collaboration of child caring agencies, law enforcement units, health care workers, educators, and all whose concerns, whether professional or non-professional, touch upon and affect the lives of children.

Expressing a strong commitment to assisting in the provision of a speedy, effective and broad range of services to children and families at risk, the *Ministers* of Community Services, Health, Education and the Attorney General jointly issue these Guidelines on Child Abuse. Their purpose is to provide a procedural and legal framework for the investigation, detection and management of child abuse cases to the growing community of professionals and lay persons providing services to children and their families.

Definitions:

The following definitions apply for the purpose of these guidelines, which are primarily intended for child abuse within the family:

1. "Abuse" means an act or omission by the parent or person in charge of the child, which act or omission results in harm to the child. It includes, but is not necessarily restricted to: physical beating, sexual abuse, and failure to provide reasonable protection for the child from physical harm.

2. "Sexual abuse" means any exploitation of a child whether consensual or not for the sexual gratification of a parent or person in charge of a child and includes, but is not necessarily restricted to: sexual molestation, sexual assault, and the exploitation of the child for purposes of pornography or prostitution.

   Sexual abuse includes "incest". Incest is a crime under the Criminal Code of Canada. Therefore the involvement and participation of the local police force is essential in all incest investigations.

   Sexual activity between children may constitute sexual abuse if the differences in ages between the children is so significant that the older is clearly taking sexual advantage of the younger.

3. "Emotional abuse" means acts or omissions on the part of the parent or the person in charge of a child, which acts or omissions include but are not restricted to:

   (a) any unwillingness or inability to provide appropriate care, control, affection or stimulation for a child;

   (b) making inappropriate demands upon a child;

   (c) exposing a child to frequent family violence tending to produce permanent or long-term emotional disability, including:
      i. non-organic failure to thrive;
      ii. developmental retardation;
      iii. serious anxiety, depression or withdrawal;
      iv. serious behavioural disturbances.

   Emotional abuse remains a major concern but does not require police intervention. Nevertheless, a multi-disciplinary team approach may be essential in certain emotional abuse cases.

4. "A person in charge of a child" means a person responsible for a child's welfare and includes a guardian or person within the context of a family relationship or foster parent.

5. "Third party assault" means abuse which occurs outside the family and technically does not fall within the guidelines but, nevertheless, is subject to:

   (a) police investigation,

   (b) referral to an appropriate agency for service, and

   (c) reporting of the incident to the central abuse registry.

6. "Child" means a person under the age of majority. (In Manitoba the age of majority is eighteen).

7. "Child caring agency" means:
   i. a children's aid society, or
   ii. a regional office of the Department of Community Services, or
   iii. a child welfare committee appointed under Section 7 of the Child Welfare Act.

EXHIBIT

SUBJECT: REPORTING CHILD ABUSE

APPROVAL DATE:
REVISION DATE: October 7, 1986
PAGE: 2 of 2

8. "Medical child abuse unit" means professionals within a hospital setting who are specifically responsible for handling suspected or alleged child abuse cases.

It is expected that the management of child abuse cases within a hospital setting will be from an interdisciplinery perspective and that a hospital child abuse team will therefore be a member of the regional or community team/committee which includes the local child caring agency, law enforcement and medical/health personnel.

Guidelines

1. Any person suspecting child abuse shall report it immediately to a child caring agency, the police or a medical child abuse unit.
2. (a) Where a report of suspected or alleged child abuse is received by a child caring agency, the agency will consult immediately with the local police force;
   (b) Where a report of suspected or alleged child abuse is received by the local police force, the police will consult immediately with the appropriate child caring agency;
   (c) Where a report of suspected or alleged child abuse is received by a hospital or other medical health centre with a recognized medical child abuse unit, the hospital/centre will report the incident to the appropriate child caring agency and local police force immediately; and
   (d) Where a report of suspected or alleged child abuse is received by a hospital or medical health centre without a recognized medical child abuse unit, the hospital/centre will immediately report the incident to the appropriate child caring agency, the local police force or the nearest recognized medical child abuse centre.
3. To ensure that the best course of action is taken in every case, there shall be a mutual sharing of all relevant information by the agencies and professionals involved in the investigation and treatment process.
4. The protection of the child is the responsibility of all persons involved. The child caring agency, however, has the mandate to protect the child as provided for in the Child Welfare Act with guidance from the professional team members where a recognized medical child abuse unit exists.
5. Every child caring agency which receives information about the suspected or alleged abuse of a child, including a child in the care of the agency, shall report the information to the Director of Child and Family Services, as required by the Child Welfare Act in the manner and form set out in the regulations.

   Notwithstanding the mandatory requirement for a child caring agency to report, any other professional may and should report a child abuse incident in the same manner and form to the Director of Child and Family Services.
6. The office of the Director of Child and Family Services shall issue statistical and descriptive data, as extracted from agency reports of suspected or alleged child abuse. A regular review of all abused children reported to the Director shall be required in the manner and form set out by the Director, to ensure the sound disposition of each case, the continuity of service and ultimately the safety of all abused children or children at risk anywhere in the Province.
7. Each child caring agency should inform the reporter of suspected or alleged abuse of action taken on the report at the earliest appropriate time.
8. In all cases of physical and sexual abuse the Crown Attorney shall determine the appropriateness of laying any charges upon completion of the preliminary investigation by the child abuse team.

   In circumstances where the seriousness and urgency of the case dictates, charges will be laid without prior consultation. It is expected, however, that subsequently there will be ongoing consultation from the initial reporting to the final disposition.

It is our hope that this multidisciplinary team approach will ensure that the needs of abused children are met, that their rights are protected and that, wherever possible, families can be kept together with the continued support of all involved.

DATED at the in the Province of , this 13th day of April, 1984.

Minister of Community Services and Corrections

Attorney-General

Minister of Health

Minister of Education

School District H

October 6, 1988

Dear Ursula Schafer:

As requested in your letter dated September 2, 1988, I am enclosing a copy of this Board's policy on Sexual Harrassment.

The policy was developed and approved by the Board on November 28, 1983 and amended January 28, 1985 following the Child Abuse policy, and is an on-going personnel policy and procedure review.

Sincerely,

Board Meeting - November 28, 1983
Amended by Board - January 28, 1985

PERSONAL/SEXUAL HARASSMENT POLICY AND REDRESS PROCEDURES

POLICY

It is the policy of The Board of Education that every employee can expect to be afforded a work environment free of personal or sexual harassment. The harassment of another employee constitutes a disciplinary infraction and will be subject to the whole range of disciplinary sanctions, up to and including termination of employment.

DEFINITIONS

a) Personal Harassment

Any behaviour which may be offensive, embarassing or humiliating and which denies individuals their dignity and respect.

b) Sexual Harassment

Deliberate, unsolicited, unwelcome and personally offensive behaviour, comments, gestures or physical conduct of a sexual nature that creates discomfort, interferes with work effectiveness or threatens the livelihood or status of an individual.

c) Harassment means being subjected to unwelcome verbal or physical conduct related to the 13 forms of discrimination prohibited by law:

- race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, record of offences, marital status, family status or handicap.

REDRESS PROCEDURE

An employee who believes she or he is being harassed by another employee is advised to take the following measures:

1. Make the objection, disapproval and/or unease known to the offending person in a clear manner and politely but firmly request that it stop. Keep a personal record of the details of this confrontation and the reactions of the offending person.

2. If the harassment continues, keep a record of the incidents, times, the names of any witnesses and seek the assistance of your supervisor who will attempt to resolve the situation forthwith. If the offending person is your supervisor, go to a higher level of management.

.... 2

3. If the situation is not resolved to your satisfaction, you may file a complaint with the Superintendent of Personnel providing details of all incidents, times, the names of any witnesses, etc. The Superintendent of Personnel will interview all of the parties in the case, including any witnesses, and will take prompt action including any corrective/or disciplinary measures that are deemed appropriate and will advise the parties accordingly in writing.

4. As an employee of The Board of Education, you should feel free to consult any Personnel Officer or the Affirmative Action Officer or Staff Counsellor for advice on a confidential basis at any time.

5. Although you are encouraged to make use of this redress procedure, you have the right to lodge a complaint with the Human Rights Commission.

CONFIDENTIALITY

All information concerning a specific case will be kept in a confidential file by the Superintendent of Personnel and will not be placed on the complainant's file.

Réunion du conseil - 28 novembre 1983
Amendé par le Conseil - le 28 janvier 1985

POLITIQUE SUR LE HARCÈLEMENT PERSONNEL/SEXUEL ET MOYENS DE RECOURS

POLITIQUE

La politique du Conseil scolaire veut que tout employé puisse s'attendre à jouir d'un milieu de travail exempt de harcèlement personnel ou sexuel. Le harcèlement d'un autre employé constitue une infraction à la discipline et sera passible de la pleine gamme de sanctions disciplinaires, jusqu'à et y compris la cessation de l'emploi.

DÉFINITIONS

a) Harcèlement personnel

Toute conduite jugée grossière, gênante ou humiliante et qui porte atteinte à la dignité et au respect de la personne.

b) Harcèlement sexuel

Conduite, paroles, actes ou comportement physique d'ordre sexuel qui sont intentionnels, non sollicités, importuns et personnellement offensants et qui gênent l'employé, entravent son rendement au travail ou menacent ses moyens d'existence ou sa situation personnelle.

c) Le harcèlement s'entend de toute exposition à des paroles ou à des comportements physiques importuns associés aux 13 formes de discrimination prohibées par la loi:

- race, ascendance, lieu d'origine, couleur, origine ethnique, nationalité, foi religieuse, sexe, âge, casier judiciaire, état civil, situation familiale ou handicap.

MOYENS DE RECOURS

La marche à suivre ci-dessous est recommandée à tout(e) employé(e) qui se croit victime de harcèlement de la part d'un autre employé:

1. Signaler clairement son objection, sa désapprobation et/ou son embarras à l'offenseur en lui demandant poliment mais fermement de cesser l'action en cause. Tenir un dossier personnel des détails de l'affrontement et de la réaction de l'offenseur.

2. Si le harcèlement ne cesse pas, en noter les incidents, les dates, ainsi que les noms des témoins s'il en est et solliciter l'aide de votre surveillant, qui essaiera aussitôt de régler la situation. Si l'auteur de l'offense est votre surveillant, adressez-vous à un cadre de niveau supérieur.

.../2

3. Si la situation n'est pas réglée d'une manière que vous jugez satisfaisante, vous avez la possibilité de déposer une plainte auprès du surintendant du personnel en lui fournissant tous les détails des incidents, les dates, les noms des témoins et ainsi de suite. Le surintendant du personnel s'entretiendra avec tous les intervenants dans le cas, y compris les témoins, et prendra promptement les dispositions nécessaires, y compris toute mesure corrective ou disciplinaire qui s'impose, et en avisera par écrit les intervenants.

4. En tant qu'employé du Conseil scolaire vous êtes libre de consulter en tout temps un agent du personnel, l'agent des mesures positives ou le conseiller du personnel pour obtenir des conseils à titre confidentiel.

5. Bien qu'on vous encourage à recourir au procédé décrit ci-dessus, vous avez toujours le droit de déposer une plainte auprès de Human Rights Commission (commission ontarienne des droits de la personne).

CARACTÈRE CONFIDENTIEL DU PROCÉDÉ DE RECOURS

Toute information relative à un cas particulier sera conservée dans un dossier confidentiel par le surintendant du personnel et ne sera pas versée au dossier du plaignant.

School District I

October 21, 1988

Dear Ursula Schafer:

RE: Sexual Harassment Policy

Your letter of September 2, 1988 to , Director of Education, has been referred to the Affirmative Action Office for response.

The Board of Education approved a sexual harassment policy and investigative procedures in 1982. Employees, students and volunteers are covered by this policy.

Enclosed please find a brochure which describes the policy and procedures in detail. In addition, I am also sending you a copy of the 1988 edition of **Students' Rights and Responsibilities** which refers to the policy on pages 23-24.

I trust this information will be of assistance to you in your survey.

Sincerely,

Sexual Harassment

Background

Sexual Harassment has been a topic of considerable discussion over the past few years by the Women's Liaison Committee after several cases were brought to the attention of the Committee. The seriousness of these cases led Women's Liaison to the realization that a Board policy and procedure were essential to combat future problems. As a result of the concerns of both Women's Liaison and the Affirmative Action Office, a subcommittee of the Status of Women Committee was set up to formalize the process. When a policy on sexual harassment had been established by the subcommittee and approved by Status of Women, it went out to all employee groups in the Board for input and approval.

On June 24, 1982 the Board adopted a policy on sexual harassment and recommended that an investigative procedure be provided as one route open to employees for dealing with cases of sexual harassment.

On October 13, 1982 a report containing recommendations from the Status of Women Committee regarding the investigative procedure was made to the Personnel and Organization Committee. The steps in the procedure were approved "in principle" by the Personnel and Organization Committee and by the Board on October 21, 1982. On November 17, 1982 the Personnel and Organization Committee approved the investigative procedure in total followed by the Board's approval on November 25, 1982.

The Board, at its meeting of June 24, 1982, adopted the following policy statement respecting sexual harassment.

(I) All employees, volunteers and students of the Board shall be free from sexual harassment, which is defined as:

a) Repeated sexual advances which are known, or ought reasonably to have been known, to be unwelcome by the person making the advances; or

b) Repeated requests for sexual favours which are known, or ought reasonably to have been known, to be unwelcome by the person making the requests; or

c) Other repeated sexually-oriented remarks or behaviour which are known, or ought reasonably to have been known, to be unwelcome by the person making the remarks, or engaging in the behaviour, and which either may be reasonably expected to interfere with a person's work/school performance or may reasonably be perceived as creating an intimidating, hostile or offensive work/classroom environment; or

d) A sexual advance or request for sexual favours made by a person in a position to grant, or deny a benefit, privilege, or advancement to the person, where the person making the advance or request knows, or ought reasonably to know, that it is unwelcome; or

e) A reprisal, or threat of reprisal, for the rejection of a sexual advance or request for sexual favours where the reprisal is made or threatened by a person in a position to grant, confer, or deny a benefit, privilege, or advancement.

(II) The display of exploitive pictures, cartoons and graffiti in the schools and other Board premises shall not be permitted and Principals/Department Heads (non-teaching) and other Supervisors shall be responsible for supervising this.

Notes Respecting The Board's Investigative Procedure

1. Each individual retains the right to decide how to deal with a sexual harassment incident.

2. All persons may approach the Human Rights Commission, subject to provisions set out in the Code, at any time.

The following are excerpts from *The Human Rights Code, 1981*, Statutes of 1981, Chapter 53:

Section 6.

(1) Every person who occupies accommodation has a right to freedom from harassment because of sex by landlord or agent of the landlord or by an occupant of the same building.

(2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or by another employee.

(3) Every person has a right to be free from,

a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement of the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Section 9.

c) "harassment" means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome."

Section 6.

(7) Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing.

(8) No person shall infringe or do, directly or indirectly, anything that infringes a right under this Part.

While the Board does not have the same statutory power and protection to enforce its policy respecting sexual harassment, the Board has approved, steps by which employees, volunteers and students of the Board may proceed with complaints of sexual harassment as defined by the Board.

3. An individual may wish to resolve the issue by directly confronting the person(s) involved.

4. Students may wish to use the grievance procedure set down in the Students' Rights and Responsibilities Handbook (pp. 9, 10).

5. The following steps represent one official procedure **as another route** for resolving a complaint concerning sexual harassment through the Board of Education.

6. Because the intent of this document is **preventative**, not punitive, the process may stop at any of the steps.

7. Any investigation which moves through any of the three stages **should be resolved within a period of two months** from beginning to end.

8. **Every attempt will be made throughout the investigative procedure to maintain complete confidentiality.**

9. Certain categories of persons involved in these procedures will be advised of the consequences of maintaining confidentiality; for example, teachers will be obliged to disclose to others that they have made a complaint against a colleague, as set out in the Teaching Profession Act, Section 18 (1) (b).

10. Those persons employed under the terms and conditions of a collective agreement which contains pertinent provisions should proceed in accordance with the provisions of that agreement and/or pertinent letters of understanding between their Union/Association/-Branch Affiliate and the Board.

Investigative Procedure

STEP I - INFORMAL DISCUSSION

(the intent would be to counsel and advise)

- between the complainant and the local affirmative action representative and/or the affirmative action advisor and/or the prinicpal/department head and/or union/federation representative.

At this stage, the complainant should be advised of optional routes, time lines and consequences.

Appropriate action at this point might be a recommendation to the complainant to express orally or on paper his/her concern about the incident to the other party and request that the behaviour cease.

OUTCOME - informal resolution after the above discussion
- it is expected that complaints concerning sexual harassment will be resolved at this stage
- if the complainant is not satisfied, even though the behaviour has ceased, the complainant may proceed to Step II.

STEP II - FORMAL WRITTEN COMPLAINT

- by the complainant to the Superintendent of Personnel or designate and the person accused of the harassment, with a copy to the Affirmative Action Advisor Associate Director - Operations.

At this stage, parties should be advised of optional routes, time lines and consequences.

OUTCOME - informal resolution
- meeting of the Superintendent of Personnel or designate with both parties
- either or both parties may request the presence of an employee group representative, where applicable.

STEP III - REQUEST FOR FACT-FINDING

The Fact-Finder will be the Associate Director - Operations or designate.

Both parties will provide written submissions and be provided with an opportunity to respond to the other party's written submission.

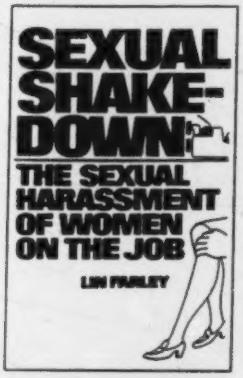
Oral submissions will also be invited, with the first party speaking receiving the right to reply. The Fact-Finder may ask questions of either or both parties. Both parties may have someone present to assist or advise them.

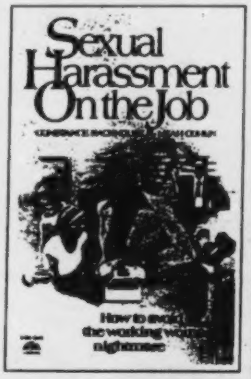
The Fact-Finder may decide to conduct investigations at any time prior to submission of a report to the Director, and must make each party aware generally of the results of these investigations and give them an opportunity to respond.

OUTCOME - the Fact Finder will then make a report to the Director.

Implementation

In order to assist board personnel and students in understanding what sexual harassment is, the ways in which it causes discomfort to the people affected, and ways in which all of us can help to prevent it and stop it, the Equal Opportuity Office, through the Affirmative Action Advisor, will offer workshops and other resources.




Sexual Harassment On the Job
How to avoid the working woman's nightmare

Workshops

For School/Department/Classroom workshops, call the Equal Opportunity Office at and ask for

Resources

1. A film is available through the Equal Opportunity Office called THE WORKPLACE HUSTLE with Edward Asner (of the Lou Grant and Mary Tyler Moore Shows) as the host of the film. Lin Farley, author of *Sexual Shakedown* is also featured in the film. Through the use of group discussions, re-enactments of possible scenarios and statements by Lin Farley and Ed Asner, the film points out that men and women view sexual harassment in very different ways. As Asner says, "They see it through different eyes; they hear it with different ears." It also appeals to the viewer to work towards a more humane workplace where men and women can work together harmoniously and positively.

2. A package of written materials will be prepared for any group who requests it. It will include definitions, ways to dispell myths about sexual harassment and what people can do about it when it happens.

3. The Equal Opportunity Office has two copies of *Sexual Harassment on the Job* by Constance Backhouse and Leah Cohen – the only Canadian book on the topic and probably one of the best to date on the subject. Both copies can be lent to individuals or Schools/Departments upon request. The Board Reference Library also has copies of the Backhouse/Cohen book. If your Librarian/Principal/Department Head is interested in buying a copy, it is available at most bookstores. The publisher of the soft cover edition is Prentice-Hall, Inc., New Jersey, 1981. (The original hard cover edition, 1978, is called *The Secret Oppression* and is published by Macmillan Company of Canada Limited.)

4. A tape of Constance Backhouse's speech at the Board on December 9, 1981 on the topic of sexual harassment is also available. It is approximately 45 minutes long. Constance Backhouse is a professor of law at the University of Western Ontario.

Since we have only one copy of the film and a limited number of people to give workshops and prepare materials, please give us enough advance notice so that satisfactory arrangements can be made for all parties.

APPENDIX

SEXUAL HARASSMENT

The following is a simplified summary of Board policy on sexual harassment. Anyone wanting to make a complaint should get a more complete statement.

A. Definition

1. All employees, volunteers and students of the Board shall be free from sexual harassment, which is defined as:
    - Repeated unwelcome sexual advances, and/or requests for sexual favours; or
    - Other repeated unwelcome sexually oriented remarks or behaviour which may be seen as interfering with a person's school work or creating an undesirable classroom environment; or
    - An unwelcome sexual advance or request for sexual favours, made by a person in a position to grant or deny benefits to the person; or
    - A reprisal, or the threat of reprisal, for the rejection of a sexual advance or request for sexual favours, where the person making or threatening the reprisal is in a position to grant, confer or deny benefits to the person.
2. The display of exploitative pictures, cartoons and graffiti in the schools and other Board premises shall not be permitted.

B. Remedial Action

Each individual retains the right to decide how to deal with a sexual harassment incident. All persons may approach the Human Rights Commission, subject to provisions set out in the Code, at any time. An individual may wish to resolve the issue by directly confronting the person(s) involved. Students may wish to use the complaint procedure set down in this handbook.

C. Investigative Procedure

The following steps represent one official procedure as another route for resolving a complaint concerning sexual harassment through the Board of Education. Every attempt is made throughout the investigative procedure to maintain complete confidentiality.

Step 1 Informal Discussion between the complainant and the local Affirmative Action authority and/or the principal. If the problem is not resolved, the complainant may proceed to Step 2.

Step 2 Formal Written Complaint by the complainant to the Superintendent — Personnel Services or designate and the person accused of the harassment, with a copy to the Affirmative Action Advisor and the Associate Director of Education — Personnel. If the complainant is not satisfied with the outcome, he/she may proceed to Step 3.

Step 3 Request for Fact Finding — the Fact Finder will be the Associate Director — Personnel or designate. Both parties will provide written submissions and be provided with an opportunity to respond to the other party's written submission. Oral submissions will also be invited, with the first party speaking receiving the right of reply. The Fact Finder may ask questions of either or both parties. Both parties may have someone present to assist or adivse them.

The Board adopted this policy on sexual harassment on June 24, 1982, and a comprehensive statement of the policy is available from the principal's office or from the Affirmative Action Advisor,

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School District J

June 20, 1989

Dear Ms. Schafer,

I am enclosing a copy of our Board's Policy on Sensitive Inter-Personal Situations, as promised. It is presently being sent out to all our schools.

I hope that this document will be useful to you.

Sincerely yours,

PERSONNEL SERVICES MEMORANDUM
Principals of All Schools - No. 35
1988 - 1989

June 14, 1989

BOARD POLICY
RE SENSITIVE INTER-PERSONAL SITUATIONS
(SEXUEL HARASSMENT, VERBAL INSULTS, PHYSICAL ASSAULT)

Principals will find attached the Board's new policy to be followed when dealing with Sensitive Inter-personal situations. The policy of the Board has always been that individuals have the right to a work and learning atmosphere free from any form of discrimination or harassment.

Please take the time to read the document carefully. It is a firm statement of policy to be enforced so that all individuals may work and learn without fear of discrimination or harassment of any kind.

2 copies per school

General Distribution - Administration Building

SERVICES DU PERSONNEL - MEMORANDUM
A toutes les directions d'école - no 35
1988 - 1989

Le 14 juin 1989

POLITIQUE DE LA COMMISSION CONCERNANT LES SITUATIONS INTERPERSONNELLES DÉLICATES (HARCELEMENT SEXUEL, AGRESSIION, PHYSIQUE OU VERBALE)

Les directions d'école trouveront ci-joint la nouvelle politique à suivre de la Commission concernant les situations interpersonnelles délicates. La politique de la Commission a toujours été que toute personne a le droit de travailler et de s'instruire dans une ambiance libre de préjugé ou de harcellement.

Veuillez s'il vous plaît lire ce document attentivement. C'est une déclaration ferme de politique à mettre en pratique afin que tout le monde puisse travailler et s'instruire sans crainte de préjugé ou de harcellement quel qu'il soit.

2 copies par école

Distribution générale - Centre administratif

SECTION	C: GENERAL DIRECTORATE	CODE
POLICY	SENSITIVE INTER-PERSONAL SITUATIONS (SEXUAL HARASSMENT, VERBAL INSULTS, PHYSICAL ASSAULT)	

Statement of Principle

1. The Board affirms its belief in the right of all individuals to work and learn in an environment free of discrimination, inter-personal conflict and/or harassment.

2. The Board shall actively investigate all reports submitted in accordance with established procedures pertaining to sensitive situations and shall take appropriate action where complaints are justified.

Types of Inter-Personal Situations

The following types of inter-personal situations are covered by this policy:

a. Sexual harassment - any repeated and unwelcome comment, suggestion or physical contact of a sexual nature that creates an uncomfortable working or learning environment for the recipient.

Sexual harassment may also be a single sexual advance, particularly one by a person in authority, that leads to and/or implies a threat and/or leads to a reprisal made after a sexual advance is rejected.

b. Verbal insult on the basis of race, religion, sex, age, etc.

c. Physical assault.

Groups Among Which Inter-Personal Situations May Arise

This policy is to be followed when dealing with inter-personal situations which may arise among employees and/or non-employees and/or students.

AUTHORITY: Resolution #89-03-29-7.1

DATE ISSUED: April 1989

SECTION	C: GENERAL DIRECTORATE	CODE
PROCEDURE	SENSITIVE INTER-PERSONAL SITUATIONS (SEXUAL HARASSMENT, VERBAL INSULTS, PHYSICAL ASSAULT)	

Purpose

1. To provide procedures for dealing with sensitive inter-personal situations.

Procedures

A. General Principles

2. All investigations are to be conducted in a confidential manner by all concerned and should be dealt with as expeditiously as possible.

Recognition of the Need of Support Services

3. In applying the specific procedures, the parties involved may need the assistance of support services. Some examples of such assistance follow -

   a. Those involved in sensitive situations may be assisted through the Employee Assistance Program (EAP).

   b. The school administrator carrying out an investigation may be assisted through advice and direction provided by an administrative superior.

   c. Students may be assisted by guidance counsellors, social workers, etc.

Sexual Harassment Cases - The Questioning of and the Providing of Assistance to a Victim by a Member of the Same Sex

4. In cases of sexual harassment it is recommended where possible, and taking into account any stated preference of the victim, that at least one of the Board's representatives conducting an investigation should be of the same sex as the individual who has been harassed.

Recourse Following the Application of the Specific Procedures

5. If, following the application of the specific procedures, the incident has not beed resolved to the satisfaction of the

individual(s) concerned, then the situation may be identified as a topic for consultation at one of the regularly scheduled consultation meetings between the Board and association/union.

B. Specific Procedures

6. If an incident of a sensitive inter-personal nature occurs, the following procedures are to be followed:

a. The individual involved in an incident, or to whom an incident is reported, should report the incident immediately to the administrator (immediate superior).

N.B. - Prior to reporting the incident to the administrator, an employee may wish to contact his association/union for advice. If the incident is between members of the same association/union, it is recommended that the individual(s) contact his association/union for advice in order that the problem may possibly be resolved at the association/union level.

b. Employees aware of incidents involving a student shall report them to the administrator (immediate superior).

c. In situations where the administrator (immediate superior) is directly implicated, then the individual should contact his union or association president who will discuss the problem with the Director of Personnel. In such cases the Director of Personnel or a named delegate will assume the responsibilities of the investigating administrator. If the Director of Personnel is directly implicated, the Director General or Deputy Director General will assume the role normally performed by the Director of Personnel.

d. In cases where a student is involved, the incident should be reported to a parent or guardian and/or teacher and/or administrator. In situations where the Principal is directly implicated with a student, then the teacher should follow the procedures described in the previous paragraph or the parent should contact the Regional Director.

SECTION	C: GENERAL DIRECTORATE	CODE
PROCEDURE	SENSITIVE INTER-PERSONAL SITUATIONS (SEXUAL HARASSMENT, VERBAL INSULTS, PHYSICAL ASSAULT)	

7. The administrator will request that the individual submit a confidential written statement of the incident. It is understood that if disciplinary measures have to be taken at a later date, this confidential statement may have to be utilized.

   If the individual refuses or is unable to submit a confidential written statement of the incident, the administrator will prepare a written record of the incident as reported by the individual. Subsequently, the individual will be requested to initial and date the written record to indicate that it accurately reflects the incident.

8. Administrators will request that staff members and/or students involved in such incidents not discuss such incidents with others.

9. If the incident is considered a possible criminal offence (e.g. physical abuse, sexual abuse, etc.) under the Youth Protection Act*, then the individual who is aware of the incident and/or the administrator must inform a social worker. In a school setting, the school administration as the legally responsible authority must ensure that a social worker has been informed of such situations.

10. Once an incident has been reported to an administrator, he shall carry out an investigation** of same.

    a. If the individual who has reported the incident indicates that the situation has been resolved, the administrator shall assure himself that indeed there has been a resolution to the problem.

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* In particular incidents, the school administration may have to involve other authorities such as the police youth squad. Attached is an extract from the Youth Protection Act pertaining to articles 38, 38.1 and 39. (Annex 1)

** It should be noted that the duty to report prescribed in 9. is not contingent on the investigation described in 10. being carried out.

b. If the individual who has reported the incident indicates that the situation has not been resolved, or if the administrator is of the opinion that it is not resolved, then the administrator must carry out a detailed investigation.

11. In carrying out the investigation, the administrator will meet separately and/or jointly with the parties involved in the incident. There shall always be two (2) representatives of the Board present during a meeting, even if the person involved chooses to participate in such a meeting alone. It is understood that this person has the right to be accompanied by someone of his choice at such a meeting.

    If a student is involved in the incident, then the student may request that based on the rights accorded students by the Youth Offenders Act a parent or guardian be present during the meeting. If the student is a minor, the administrator should request the presence of a parent or guardian.

    Following the investigation, the administrator should prepare a written report of the findings.

12. The administrator will next inform the immediate superior about the incident and the results of the investigation. In the school setting, the Principal of the school will inform the Regional Director, and when appropriate, the Director of a service department.

    N.B. - a. An administrator may wish to contact his immediate superior at any time in following these procedures, and not wait until this step.

    b. It is advisable that incidents involving Board employees be brought to the attention of the Director of Personnel early in the application of the specific procedures.

13. The administrator will schedule a follow-up meeting normally with the individual who reported the incident as well as those contacted during the investigation to discuss the resolution to the problem

SECTION	C: GENERAL DIRECTORATE	CODE
PROCEDURE	SENSITIVE INTER-PERSONAL SITUATIONS (SEXUAL HARASSMENT, VERBAL INSULTS, PHYSICAL ASSAULT)	

or lack of it. The administrator will outline the next steps in the procedures to be followed.

14. If the problem is still unresolved, the Director of Personnel will be informed by the administrator concerned. The administrator will forward to the Director of Personnel the written reports resulting from the implementation of steps 7 and 11. The Director of Personnel will then discuss the incident with the Deputy Director General, the Director General, and when appropriate, the Regional Director and/or the Director of a service department, and propose a course of action to be taken.

15. If as a result of step 14 the problem involving one or more employees is still unresolved, then normally the Director of Personnel will initiate discussions of a consultative nature with the union or association concerned.

16. It is the joint responsibility of the Director of Personnel, the Deputy Director General, and the Director General to keep the Chairman of the Board informed of developments regarding any particular incident.

17. If part of the solution concerning a reported incident requires the disciplining of a staff member, then the process described in the appropriate collective agreement or in the PAS shall be followed.

AUTHORITY: Resolution #89-03-29-7.1

DATE ISSUED: April 1989

37.1. The director shall record the information as soon as it is brought to his attention that the security or the development of a child is or may be considered to be in danger. Any information so brought to his attention is to be destroyed as soon as the director decides not to keep it.

1984, c. 4, s. 17.

37.2. The information brought to the attention of the director may be kept for not more than one year where the director finds that, after keeping it, the security or the development of a child is not in danger.

1984, c. 4, s. 17.

37.3. The information must be kept for one year from the final decision of the Court quashing the director's decision to the effect that the security or the development of a child is in danger.

1984, c. 4, s. 17

37.4. Where the director or the Court decides that the security or the development of a child is in danger, the information must be kept for five years from the final decision or until the child has reached eighteen years of age, whichever is shorter.

1984, c. 4, s. 17.

CHAPTER IV

SOCIAL INTERVENTION

DIVISION I

SECURITY AND DEVELOPMENT OF A CHILD

Considered endangered. **38.** For the purposes of this Act, the security or development of a child is considered to be in danger where

(a) his parents are dead, no longer take care of him or seek to be red of him;

(b) his mental or affective development is threatened by the lack of appropriate care or by the isolation in which he is maintained or by serious and continuous emotional rejection by this parents;

(c) his physical health is threatened by the lack of approriate care;

(d) he is deprived of the material conditions of life appropriate to his needs and to the resources of his parents or of the persons having custody of him;

(*e*) he is in the custody of a person whose behaviour or way of life creates a risk of moral or physical danger for the child;

(*f*) he is forced or induced to beg, to do work disproportionate to his capacity or to perform for the public in a manner that is unacceptable for his age;

(*g*) he is the victim of sexual abuse or he is subject to physical ill-treatment through violence or neglect;

(*h*) he has serious behavioural disturbances and his parents fail to take the measures necessary to remedy the situation or the remedial measures taken by them fail.

Subparagraph *g* of the first paragraph does not apply if the child is the victim of sexual abuse or is subject to physical ill-treatment from any person other than his parents and the latter take the measures necessary of remedy the situation.

1977, c. 20, s. 32; 1981, c. 2, s. 8; 1984, c. 4, s. 18.

38.1. The security or development of a child is considered to be in danger where

(*a*) he leaves his own home, a foster family, a reception centre or a hospital centre without authorization while his situation is not under the responsibility of the director of youth protection;

(*b*) he is of school age and does not attend school, or is frequently absent without reason;

(*c*) his parents do not carry out their obligations to provide him with care, maintenance and education or do not exercise stable supervision over him, while he has been entrusted to the care of an establishment or foster family for two years.

1984, c. 4, s. 18.

Bound to inform. **39.** Every person, even one having privileged information, who has reasonable cause to believe that the security or development of a child is in danger within the meaning of paragraph *g* of section 38, is bound to bring the situation to the attention of the director without delay.

Professional obligation to inform. Every professional who, by the very nature of his profession, provides care or any other form of assistance to children and who, in the discharge of his duties, has reasonable cause to belive that the security or development of a child is in danger within the meaning of paragraph *a*, *b*, *c*, *d*, *e*, *f* or *h* of section 38 or within the meaning of section 38.1, is bound to bring the situation to the attention of the director without delay. The same obligation devolves upon any employee of an establishment, any teacher or any policeman who, in the discharge of his duties, has reasonable cause to believe that the security or development of a child is or may be considered to be in danger within the meaning of the said provisions.

Other cases. Any person, other than a person contemplated in the second paragraph, who has reasonable cause to believe that the security or development of a child is or may be considered to be in danger within the meaning of paragraph *a*, *b*, *c*, *d*, *e*, *f* or *h* of section 38 or within the meaning of section 38.1, may bring the situation to the attention of the director.

Exception. The first and second paragraphs, do not apply to an advocate who, in the discharge of his profession, receives information respecting a situation contemplated in section 38 or 38.1.

1977, c. 20, s. 39; 1981, c. 2, s. 9; 1984, c. 4 s. 19.

Other cases. Any person, other than a person contemplated in the second paragraph, who has reasonable cause to believe that the security or development of a child is or may be considered to be in danger within the meaning of paragraph *a, b, c, d, e, f* or *h* of section 38 or within the meaning of section 38.1, may bring the situation to the attention of the director.

Exception. The first and second paragraphs, do not apply to an advocate who, in the discharge of his profession, receives information respecting a situation contemplated in section 38 or 38.1.

1977, c. 20, s. 39; 1981, c. 2, s. 9; 1984, c. 4 s. 19.

School District K

October 11, 1988

Dear Ms. Schafer:

I am writing in reply to your letter of September 2, 1988 in which you request information regarding policies dealing with sexual harassment in schools.

School Districts 26 and 27 in , does not, at the present time, have a written policy on sexual harassment for employees and students. At the present time, any formal complaint in regard to sexual harassment would be responded to in a manner as would any other issue requiring disciplinary action.

In this regard I am enclosing a copy of Article 55 of the Agreement between the Board of Management and the Teachers' Federation. This is the article that at this time would applicable.

I trust this will be of some assistance to you in your research.

Sincerely,

52.04 Recognition of experience for salary purposes additional to that granted under Clauses 52.01 and 52.02 may be granted on the recommendation of the Minister's Advisory Committee on Teacher Licensing and Certification.

52.05 Credit for completing another full year of teaching service shall be received by the teacher upon having accumulated one hundred and ninety-five (195) teaching days.

ARTICLE 53 -- SENIORITY

53.01 All teaching service under contract with a School Board in counts for seniority purposes with that Board. However, if a teacher becomes employed by a new School Board because of the redefinition of a school district, his/her seniority credits are transferred to that new School Board and are thereafter no longer recognized by or transferable to the School Board which employed the teacher prior to the redefinition of the school district or any other School Board.

53.02 Teachers whose contract with a district School Board was terminated and who are returning to that school district in which there is now more than one School Board, shall have the seniority which they accumulated with the former district School Board recognized by the School Board which employs them, and that seniority shall not thereafter be recognized by or transferable to any other School Board.

53.03 A leave of absence, for educational purposes, with pay shall be credited to the teacher's seniority.

53.04 A leave of absence, without pay, granted to a teacher by a School Board for educational purposes, shall be credited to the teacher's seniority upon application to and approval from the Minister's Advisory Committee on Teacher Licensing and Certification. If the teacher has obtained the approval of the Committee to have a leave of absence without pay for educational purposes recognized for salary purposes, the period of the leave shall automatically be credited to the teacher's seniority.

53.05 Any unpaid maternity leave taken in accordance with Article 33 shall be credited for seniority purposes.

ARTICLE 54 — DISCRIMINATION AND INTIMIDATION

54.01 No person shall refuse to employ or to continue to employ any teacher, or otherwise disciminate against any teacher in regard to employment or to any term or condition of employment because the teacher was or is a member of the Teachers' Federation or was or is exercising any right under this Collective Agreement.

54.02 No person shall seek by intimidation, by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or any other penalty or by any other means to compel a teacher to refrain from any activity being carried out or contemplated by said teacher on behalf of the Teachers' Federation or from exercising any right under this Collective Agreement.

ARTICLE 55 — DISCIPLINARY ACTION

55.01 No teacher shall be disciplined, suspended, dismissed or assessed a financial penalty except for just cause.

55.02 In all instances of disciplinary action other than dismissal and with the sole exception of cases of extreme urgency, the Board of School Trustees or its delegated representative (other than a member of the bargaining unit) shall give notice in writing by registered mail or personal service to the teacher involved at least forty-eight (48) hours prior to such disciplinary action. When, in cases of extreme urgency, oral notice of disciplinary action is given, it must be confirmed in writing by registered mail or personal service within forty-eight (48) hours. Said written notice of disciplinary action must include the precise reasons for said action.

55.03 In cases of dismissal, the Board of School Trustees or its delegated representative (other than a member of the bargaining unit) shall send a written notice by registered mail to the teacher involved at least ten (10) teaching days before dismissal. Said notice must contain the precise reasons for the dismissal and no reasons other than those in the notice or those recorded in the teacher's personal record file or both may subsequently be advanced against that teacher. The Board may, pending finalization of the dismissal, suspend the teacher involved with or without pay. The Board shall, upon request of said teacher in writing, forthwith arrange a meeting with him/her and representatives from the local Branch of the Federation to be held prior to the final decision of the Board, in order to afford the teacher and his/her representatives an opportunity to make the appropriate representation to the Board. Said meeting shall be held in camera if requested by either party. The written decision of the Board shall be forwarded immediately to the teacher with a copy to the Branch and the Federation.

55.04 Where it is determined that a teacher has been disciplined, suspended, dismissed or assessed a financial penalty without just cause, he/she shall be reinstated in his/her former teaching position without loss of any benefit which would have accrued to him/her if he/she had not been disciplined, suspended, dismissed or assessed a financial penalty. In the event that any teacher suffers loss or reduction of any benefit, restitution shall be made no later than the end of the next complete pay period following the redress obtained.

55.05 (a) Each teacher shall have a personal record file to which he/she shall during the normal business hours of the Board of School Trustees and/or District Superintendent involved, have access, upon request, at a mutually agreeable time. No unfavourable note, report or letter shall be filed in the teacher's personal record file prior to the teacher's being notified in writing and having access to said note, report or letter.

(b) Any unfavourable report, note or letter to be placed in the teacher's personal record file must be prepared and filed within twelve (12) months of the effective knowledge of the event/situation upon which the report, note or letter is based; however, a teacher must be informed within a reasonable period of time of any problems or difficulties observed with respect to his/her performance.

(c) If the teacher considers that any note, report or letter is not justified, he/she may use the grievence procedures under this Agreement in order to seek to have it withdrawn from his/her record or corrected. Unfavourable notes, reports or letters pertaining to situations, incidents or conditions which can be corrected by the teacher and have been corrected by the teacher shall be removed from the teacher's personal record file within a reasonable period of time.

55.06 In cases of discipline, suspension, dismissal or financial penalties under this Article, only those unfavourable notes, reports or letters in the teacher's personal record file may be used against the teacher.

55.07 For the purpose of the application of Clause 55.05, the Board of School Trustees reserves the right to keep confidentially out of the record, the reference letter(s) that come(s) into the possession of the Board on the occasion of the hiring of a teacher. In this event, the reference(s) letter shall not subsequently be used to the detriment of the teacher.

ARTICLE 56 -- TERMINATION OF THE CONTRACT OF A TEACHER

56.01 A Board of School Trustees may terminate for just cause the contract of a teacher with a continuing contract or of a probationary teacher. In all such instances, it shall do so by written notice by registered mail or personal service to that teacher on or before the 30th day of April preceding the end of the school year. Said notice shall contain the precise reasons for terminating the contract and from thereon no reasons other than those recorded in the teacher's personal record file may be invoked against the teacher.

56.02 Whenever it has been determined that the contract of a teacher was improperly terminated under this Article, he/she shall be reinstated without loss of any benefit that would have accrued to him/her had his/her contract not been terminated.

ARTICLE 57 -- SUSPENSION OR CANCELLATION OF LICENSE OR PERMIT

57.01 Whenever it is decided by the Minister of Education that he will recommend that the license or permit of a teacher be suspended or cancelled, the teacher involved must receive a notice in writing to this effect. Such notice must contain the precise reason(s) invoked against him/her and no other reasons may subsequently be advanced against the teacher. The teacher may invoke the appropriate provisions of the grievence procedure, including adjudication.

ARTICLE 58 -- GRIEVANCE PROCEDURE

58.01 The parties agree that a grievance means a dispute or difference of opinion concerning any of the following:

(a) the interpretation or alleged violation of any clause in this Agreement or of any arbitral award;

(b) disciplinary action resulting in dismissal or termination of contract, suspension or a financial penalty;

(c) the interpretation or application of a provision in a statute, regulation, by-law, direction or other instrument made or issued by the Employer and dealing with terms and conditions of employment of teachers;

School District L

October 19, 1988

Dear Ms. Schafer:

This will acknowledge your letter of September 2, 1988, to in which you request policy on sexual harassment for employees and students of the District School Board.

Unfortunately, the District School Board does not have written policy on sexual harassment. This matter has never come up for discussion nor has it been a problem with our system to date.

Yours truly,

School District M

October 6th, 1988

Dear Ms. Schafer:

This is to acknowledge your recent letter requesting information on policy with reference to sexual harassment in schools.

We have not yet developed a policy in this regard and it has been a matter of priorizing those policies to be developed.

Yours truly,

School District N

October 4, 1988.

Dear Ms. Schafer,

A couple of years ago our School Board approached a lawyer to get some suggestions on how our Board should deal with cases of sexual abuse in our schools. We are required by legislation to report to the Department of Social Services all suspected cases of sexual abuse of children and our intent in approaching a lawyer was to clarify some of the issues. I am attaching a copy of this.

If you are referring to a sexual harrassment policy relating to employees, I am afraid that we do not have such a policy developed. It has not become an issue that has been raised by any groups associated with our schools. Although I suspect that as there have been concerns in the news media at times, it might well become an issue for us in the not too distant future.

I hope this will help you.

Yours very truly,

PROTOCOL

PREAMBLE

We believe that it is not in the best interests of the School Board or children who may be in legitimate need of protection to be combative and unco-operative with the Child Welfare people. Often, it is Teachers or professionals in the employ of the Board who have the best opportunity to detect a child in need of protection and often it is the Teacher who is the source of the initial report to the Director of Child Welfare. It is also true that it is the teaching professional who must deal with the child after the interview or during the difficult periods. That being the case, it does not appear consistent to comply with the law to aid a child in apparent need of protection, but then stand on strict legal rights which may hinder the investigation. Nor does it appear reasonable to exclude the teacher from the investigation so as to preserve continuity between professionals.

The Director and his counsel vigorously maintain that the purpose of such visits or private interviews is to attempt two things:

a) to, as discretely and as quickly as possible, satisfy themselves whether the complaint or information has merit or is unfounded, or

b) to ensure that if the complaint has some or any foundation that the evidence is not influenced or destroyed by a parent or guardian, which is a real concern.

The difficulty for the Principal or Board is that without proper checks and balances it can find itself in the middle, perhaps not of a law suit, but the more difficult public debate or inter-family dispute by reason of it being perceived by the parent or the Director as "taking sides". In addition by being excluded from the process the ability of the professional to create an appropriate education enviornment is jeopardizing.

It is, therefore, essential that the Board and its Principals be left in the position of being seen as not taking side but merely complying with the law. Complying, however, in a manner which is in the child's interests both from the perspective of the Director and the Educators. It is clear that in refusing to allow a child to be taken from the school without an order that the Principal, Teacher or Board is complying with the law. A compliance which may have no particular benefit at that moment but which, where appropriate, with co-operation result in a better and more understanding environment at the school if the Educators are given insight into the problem. On the other hand, private interviews at school under section 48, while perhaps equally clear by a strict reading of the Act, is nevertheless possibly not the child's nor the school's best interests at the moment.

We, therefore, suggest that the following protocol should be adopted by the Board and the Director, which such protocol would be distributed to employees of both, to ensure equal understanding and greater co-operation between the Board's staff and the Director's staff.

TERMS

Whenever it becomes necessary for a person authorized under the Child Welfare Act to visit a school in the School Board system, for the purposes of exercising the duties and responsibilities conferred by the Child Welfare Act upon that person, the following protocol will be followed by the Principal or his designate and the Director of Child Welfare or persons authorized by him.

BY THE DIRECTOR

1. Call the school Principal and request an appointment identifying the caller and the names and titles of the persons intending to call, and generally the purpose for the meeting, (ie. to interview or to apprehend) giving the name of the child and the names of the childs parents or guardian as the case may be.

2. Request either that parents be advised or parental consent be requested or that the Principal make no contact with the parent or guardian whatsoever.

3. Attend at the school at the appointed hour and proceed directly to the Principal's office.

4. Present the credentials of those persons acting on behalf of the Director.

5. If the child is to be removed from the school an Order of the Court or an Apprehension Order must be presented together with a copy for the Principal and his file and the person's name a parent or guardian can contact regarding the child.

6. If the child is to be removed from the school proceed immediately out of the building and leave the premises.

7. If the child is to be "visited" or interviewed:

   a) outline briefly the nature of the complaint and the purpose of the interview or "visit";

   b) if parental consent is not to be sought explain briefly why not;

   c) if parental consent or contact may be made permit the Principal to do so prior to the interview;

   d) wherever possible request the interview be conducted behind closed doors in the office area of the school and avoid moving the child accompanied by officers or persons not associated with the school;

   e) where a teacher or member of the school administration, other than the Principal, has made the complaint or has supplied information resulting in the investigation then that teacher or member of the administration, if he/she desires, shall be entitled to attend the interview in a non-participating capacity. If that person does not wish to attend the Principal shall attend, also in a non-participating manner;

   f) The "interview" or "visit" must be completely oral although notes may be taken and props used. There shall be no physical examination on school premises;

   g) when the interview is complete and before leaving the school advise the Principal as to whether the matter or complaint is or is not to be proceeded with further and disucss how the school's staff can best deal with the child in all the circumstances;

   h) leave the premises as quickly as possible;

   i) avoid wherever possible bringing police in uniform to the school premises.

REMEMBER THE INTERESTS OF THE DIRECT AND THE PROFESSIONAL EDUCATOR ARE SIMILAR. TREAT THE EDUCATOR AS MUCH A PART OF THE TEAM AS POSSIBLE.

THE BOARD AND ITS STAFF

1. Upon receipt of a request for an appointment the Principal shall:
    - a) establish an appointment at the hour requested or as close thereto as is possible and acceptable to the Director or his staff;
    - b) notify the Superintendent or someone authorized by him;
    - c) receive the representative(s) of the Director at the appointed time;
    - d) have the file of the child, if any, available for the meeting;
    - e) examine the credentials of those present.
2. Request a brief outline of the complaint and the reason for an in-school interview. Upon being satisfied that the credentials are in order and that reasons were given. [it is not at issue whether in his opinion reasons are adequate or not, the Principal shall comply].
3. If the child is to be removed from the school:
    - a) ensure that the Director or one of his staff supplies you with a copy of the Apprehension Order or Court Guardianship Order or permits the Principal to make the desired copies for his file;
    - b) ensure that the Principal has the name and phone number of the person that a parent may contact concerning the child;
    - c) Summon the child clothed and ready to leave the building;
    - d) allow the child to leave with the Director or a representative of him;
    - e) notify the parent or guardian evidenced on the file that the school was served with an Order and that the child has been lawfully removed from the school and provide the name and phone number given to you by the Director as the person to contract in respect of the child.

4. If the child is to be interviewed or "visited":

   a) request permission to contact the parent or guardian noted on the file for permission or to advise that the child is to be interviewed;

   b) if refused ascertain why, note reason on file;

   c) if the complaint alleges wrong doing of the parent or both of them comply with the refusal;

   d) if the complaint alleges wrong doing of a third person, not the parent or guardian or not residing in the same house, indicate an intention to notify the parent or guardian on file upon conclusion of the interview;

   e) when notifying the parent or guardian under (4)(a) or (4)(d) the Principal shall indicate only:

      i) "That I have received a request from Child Welfare to interview (child's name)",

      ii) "That I have permitted the interview as required by law",

      iii) "That apparently a complaint has been filed the details of which you must get from the Child Welfare people",

      iv) "I suggest you call (name of investigator) if you need any more information",

      v) "I have called you as a courtesy and have no other information other than that which I have given you".

      (or words to like affect)

5. The interview should be held in private, subject to presence of the Principal or the person identified A.7(e), behind closed doors in the office and every reasonable effort should be made to accommodate the interviewer.

6. Upon completion of the interview ascertain whether or not the complaint will be proceeding for the further investigation.

7. If the indication that the complaint will not be proceeding the Principal shall be prohibited from contacting the parent or guardian of the child interviewed if requested to do so by the interviewer.

8. If the indication is that the complaint will continue to be acted upon and a parent or guardian is involved in the wrong doing the Principal shall not disclose the nature of the investigation if requested to do so after the interview. Discuss how the school's staff can best deal with the child in all the circumstances;

9. When the interview and related matters are complete request the persons to leave the premises in a timely manner.

10. Report the events regarding the appointment and compliance with this protocol to the Superintendent.

11. Notation on the file accordingly.

REMEMBER THE SOCIAL WORKER, OFFICER, AND DIRECTOR ARE KNOWLEDGEABLE PROFESSIONALS WITH A VERY DIFFICULT JOB. A TEAM APPROACH IS IN YOUR INTEREST AND THE CHILD.

April 1, 1987

School District O

December 7, 1988

Dear Ms. Schafer:

I am responding to your request for a copy of our written policy on sexual harrassment for employees and students.

At present we do not have a policy to deal with sexual harrassment because this has never been an issue in our Unit.

I hope this information will be of some help to you.

Sincerely yours,

School District P

October 7, 1988

Dear Ms. Schafer:

Your letter dated September 2, 1988 addressed to , has been referred to the undersigned for reply.

At the outset let it be known that our school district does not have a written policy on sexual harassment for employees and students. The primary reason for not having such a policy on our books is that as a normal practice, we avoid codifying existing law into policy for reasons related to redundancy.

The province of has a Human Rights Protection Act that clearly states the law on the issue of sexual harassment. I attach a supporting document for your information.

To re-state the law in policy is rarely warranted especially with laws as explicit as the above. Policies are rarely indicated for the purpose of reminding target personnel of their responsibility to obey the laws of the land.

I trust you will find this response adequate and of some assistance.

Sincerely,

SEXUAL HARASSMENT - DEFINITION & INTERPRETATION

Definition

Sexual Harassment, being discrimination on the grounds of sex, is a violation of the Individual's Rights Protection Act. Unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, tenancy or the receipt of a service,
2. submission to or rejection of such conduct by an individual demonstrably affects that individual's employment, tenancy or receipt of service.

nterpretation

a determining whether alleged conduct constitutes sexual harassment, the mmission will look at the totality of the circumstances, such as the nature the sexual advances and the context in which the alleged incidents curred. The determination of an alleged breach will be established by facts a case by case basis.

sponsibilities of the Individual

Individuals who believe they have been the subject of sexual harassment have a responsibility to make an objection clearly known to the offender and/or to a person of authority, as may be appropriate under the circumstances. However, prior objection is not an absolute condition precedent to the Human Rights Commission accepting a complaint.

Any person responsible for an act of sexual harassment will be named as a Respondent in any complaint brought before the Human Rights Commission.

oyment

he Individual's Rights Protection Act would be violated when a person xercising authority on behalf of an employer, makes sexual advances or demands towards a subordinate employee and conditions that employee's employment status, evaluation, continued employment, promotion, or other aspects of career development, on a favourable response to those advances or demands. Upon acquiring such knowledge an employer must take prompt and appropriate corrective action.

2. With respect to persons other than those mentioned in paragraph (1) including co-workers, an employer is responsible for acts of sexual harassment in the workplace where the employer, or its agents, know of the conduct. An employer may rebut apparent liability for such acts by showing that immediate and appropriate corrective action was taken.

Services & Tenancy

The same policy would apply with the necessary changes to a service provider or landlord with respect to his agents or servants as it relates to decisions affecting the provision of services to an individual.

Prevention

Prevention is the best mechanism for the elimination of sexual harassment. An employer, landlord, or service provider should take all steps necessary to prevent sexual harassment from occurring; such as positively raising the subject, expressing strong disapproval, and developing appropriate sanctions.

If you have a concern, or wish more information regarding Sexual Harassment contact the Regional Director of the:

School District Q

1988 10 05

Dear Ms. Schafer:

As requested in your letter of September 2, 1988 please find a copy of our policy, guidelines and administrative procedures on harassment which were establised in February 1986.

There was no direct reason why this was established at this time except that it was necessary to have something in place for reference should it be necessary.

Hopefully this will be of assistance to you.

Yours truly,

POLICY : 214.1

Reference: Guideline 214.1

A.P. 214.1

Approved: February 3, 1986

HARASSMENT

In accordance with the intent of related human rights legislation and in light of the spirit of Policy 100, it is a goal of the School District to provide a supportive working environment, within which employees are treated with respect and dignity, free from harassment. The District will make every reasonable effort to ensure that no employee is subjected to such behavior in the context of the employment relationship and it will take appropriate disciplinary action if such behavior occurs.

GUIDELINE: 214.1

Reference: Policy 214.1

A.P. 214.1

Approved: February 3, 1986

HARASSMENT

It is the responsibility of every Principal, manager and supervisor to ensure that the workplace under his/her jurisdiction is free from sexual or other forms of harassment and that complaints of such behaviors are investigated promptly, seriously and in a strictly confidential manner.

The term "harassment" means any conduct, comment, gesture, or contact of a discriminatory nature that is likely to cause offence or humiliation to any employee or that might, on reasonable grounds, be perceived by that employee as placing a condition of a discriminatory nature on employment or on any opportunity for training or promotion. The term does not refer to the accepted social banter that occurs in the work environment.

Employees of the School District who are not satisfied with the action taken with respect to a complaint may appeal the decision to the Chief Superintendent.

Nothing in the foregoing affects an employee's right to file a complaint with the Human Rights Commission if they feel that the decision is not acceptable.

ADMINISTRATIVE PROCEDURE: 214.1

Reference: Policy 214.1

Guideline 214.1

Approved: February 3, 1986

HARASSMENT

Responsibility of Employee

An employee who believes he or she has been the subject of sexual or other forms of harassment has a responsibility to make an objection clearly known to the offender and/or person in authority, as may be appropriate.

Responsibility of the Administration

Any person in authority or a personnel officer who receives a complaint of sexual or other forms of harassment, or is otherwise aware of such behavior should approach the Superintendent of Personnel immediately to assesss the appropriate merits. In determining whether the alleged conduct constitutes sexual or other forms of harasssment one must assess all of the facts and circumstances, including the nature of the alleged sexual advance/discriminatroy behaviors, the environment and the context in which the incident is alleged to have taken place. The employer has a positive obligation to take immediate and appropriate corrective action, failure to do so may result in the employer or a person in a position of authority being held liable.

Disciplinary action should be taken in substantiated cases. The nature of the disciplinary action will depend on the gravity of the misconduct and any mitigating circumstances. It may range from a reprimand for a first offense of a petty nature, to suspension or dismissal for repeated offenses and serious cases involving threats or reprisal.

Complaints of sexual harassment will be treated in the strictest confidence and the names of complainants and the circumstances surrounding complaints will not be disclosed to any person except where disclosure is necessary for the purpose of investigating the complaint or taking disciplinary measures in relation thereto.

School District R

No Reply

School District S

October 5, 1988.

Dear Ms. Schafer:

Enclosed is a copy of our Board Policy IGCAA "Child Abuse and Neglect" and the relevant Procedures.

The Board does not have a policy dealing specifically with sexual harassment as the Policy IGCAA is all inclusive.

Although there was an earlier policy this one was mandated by the Provincial Government to comply with Section 16 of the Family Services Act. A protocol statement outlining the duties of various agencies has been adopted and has worked quite well over the last two years.

To date, there have not been any issues raised by employees or by the Board regarding a policy on sexual harassment. As a result, no policy has been developed.

If you have further questions regarding this matter please feel free to contact me at your earliest convenience.

Sincerely,

	IGCAA
POLICY	CHILD ABUSE AND NEGLECT

1. All employees of the Division shall perform their duties in compliance with Section 16, subsections (1), (2) and (4) of The Family Services Act, which read as follows:

   Section 16 (1) "Every person having information that a child is in need of protection shall report the information to an officer or peace officer (child protection worker) of the Department of Social Services."
   NOTE: Suspected cases must be reported, even if definite proof is not available.

   Section 16 (2) "A person who makes a report pursuant to subsection (1) is not liable in any action for making the report unless the report is false and is made maliciously."

   Section 16 (4) "The Department of Social Services shall investigate reports or complaints of neglect, abuse, exploitation or cruel treatment of a child and provide such services to any person as may be necessary to reduce or eliminate any neglect, abuse, exploitation or cruel treatment found to exist."

2. School staff members who in the course of their daily contact with children suspect physical, sexual or psychological abuse or neglect of a child, shall inform the nearest office of the Department of Social Services (Child Abuse Unit) and the principal of the school.

3. Each principal shall facilitate the reporting of child neglect and abuse.

4. Staff members are expected to demonstrate professional attitudes and responsibilities with respect to child abuse and neglect and must regard all information, reports and discussions as confidential.

5. Child protection workers of the Department of Social Services, in the course of their investigation of child abuse and neglect, may find it necessary to visit a school and interview certain pupils. Department of Social Services personnel are authorized to conduct interviews with children on school premises in accordance with the procedures outlined.

May 1984.
Revised November 3, 1986.

IGCAA

PROCEDURES

CHILD ABUSE AND NEGLECT

1. The staff member who is dealing with a case of suspected abuse or neglect may consult with the school nurse, the school guidance counsellor, the Social Services Department or other involved persons. Consultation should always exclude the identity of a student.

2. The staff member who is satisfied that the reporting of a case of suspected abuse or neglect is merited, shall do so forthwith to the Social Services Office and the principal of the school.

3. Whether a case of child abuse is reported by a school official or not, it may be necessary for Department of Social Services personnel to interview the potentially abused child and his/her siblings in the school setting. The following process is intended to facilitate compliance with legislation and to clarify the roles of the school personnel and the Department of Social Services personnel:

   (a) A child protection worker wishing to interview a child at school shall offer appropriate identification, make the request of the principal and provide confirmation of the request later in writing.

   (b) The principal shall make the necessary arrangements for such confidential interviews and shall retain the written confirmation.

   (c) The child protection worker's letter shall confirm the meeting arrangements, acknowledge the assistance of the principal and indicate the general outcome of the investigation with respect to the child in the school setting.
   NOTE: The school principal may request to be present at the interview, however, child protection workers have the right to exclude school staff members from interviews if deemed necessary.

4. The principal shall maintain accurate records and documentation of all evidence and reports of suspected abuse situations.

...

5. When a case of abuse or neglect is under investigation by Department of Social Services, the principal or his/her designate shall maintain contact with the Department of Social Services regarding proposed and on-going action and shall provide the appropriate school staff with such information as may be required to ensure that the interests of the pupil are considered by all concerned.

6. Should a pupil who is the victim of abuse or neglect or who is a suspected victim of abuse or neglect transfer, the principal of the sending school will notify in writing the Department of Social Services of the move and the new school, new address and telephone number of the transferring student and send a copy to the receiving school. The Department of Social Services will make contact with the receiving school if the case is still open.

Revised November 3, 1986.

School District T

October 31, 1988

Ms. Schafer:

In reply to your survey request on policies dealing with sexual harassment in schools, the School Board does not have a written policy on sexual harassment for employees and students. The issue seems not to have arisen at the Board level and is mentioned only peripherally in a Report on Equal Opportunity prepared two years ago.

I am enclosing two policy statements which the has put into force for the protection of students and employees:
C-9 Human Resources Planning/Affirmative Action, and
F-11 Raising and Administering School Funds.

Yours truly,

SECTION: F

POLICY: F-11

RAISING AND ADMINISTERING SCHOOL FUNDS

POLICY

IT SHALL BE THE POLICY OF THE SCHOOL BOARD TO ALLOW THE RAISING OF FUNDS AS DETAILED HEREIN.

RESOLUTION: 778-84 and 779-84 revised: 899-86, 86-12-15	**EFFECTIVE DATE:** November 12, 1984

RAISING AND ADMINISTERING SCHOOL FUNDS	POLICY F-11

REGULATIONS AND PROCEDURES

CATEGORY A. FUNDS RAISED BY THE PRINCIPAL ON BEHALF OF THE SCHOOL

1. POLICY STATEMENT

Each school subject to Board approval will be allowed to organize major fund raising projects during the school year. Except as expressly indicated otherwise by the Board and subject to any further conditions the Board may from time to time impose, project approval is subject to the following rules and procedures governing the use of pupils and accounting responsibility.

2. USE OF PUPILS

a) No pupil in a grade lower than grade 3 shall be asked to sell or canvass.

b) Under no circumstances shall door to door canvassing be allowed.

c) No pupil shall be held responsible for any loss incurred.

d) At no time shall pupils be permitted to be exempt from lessons or school work for selling or canvassing the community.

e) All pupils participating in canvassing, selling, collecting or soliciting subscriptions shall do so on a voluntary basis.

f) Care shall be taken not to exert undue pressure on the pupils to participate.

g) Principals, teachers, Board staff and project organizers must take every precaution to ensure the safety and physical welfare of those pupils who participate.

h) The school shall respect the individual parent's wish not to participate or have his/her child participate.

i) The funds collected shall only be used for the specific purpose for which they were collected.

3. ACCOUNTING RESPONSIBILITY

a) OPENING OF BANK ACCOUNT

The principal shall obtain from the Finance Department the «Authorization to Open a Bank Account» form. The said form shall be provided to the Branch Manager.

Upon opening of the account and whenever there is a change in the signing officers, the «School Bank Account» card shall be duly completed, signed by the principal, his assistant and a bank official, and returned to the Finance Department.

A separate account from that of the petty cash may be operated provided two (2) «School Bank Account» cards are sent to the Finance Department.

b) ADMINISTERING OF FUNDS

The proceeds from collections, raffles, sales or any other fund raising activities shall be deposited in a bank account in the name of the school and administered jointly by the principal and assistant.

c) DEPOSITING AND HOLDING OF MONEY

Revenues should normally be deposited daily.

No money will be kept in the schools overnight or on weekends.

The principal is accountable at all times for the funds and will have to make up for any discrepancy that may occur.

d) BOOKKEEPING

A ledger shall be kept by the school principal and shall show revenues and expenditures.

e) EXPENSES

Expenses for personal purposes are not permissible.

Bank charges are considered as a permissible expense.

f) YEAR-END STATEMENT

The form entitled «Statement of Sources and Application of School Funds» shall be duly completed for the calendar year and forwarded to the Finance Department in January next of each year. Upon a change in principalship, a supplementary report must be prepared and submitted by the departing principal. Same is to cover the period January to June or to the end of his/her assignment at the school.

- Supporting vouchers (invoices and receipts), cancelled cheques and bank statements shall be enclosed with the annual report. In the absence of an invoice or an official receipt, a detailed note, duly signed, will be acceptable.
- A «NIL» report will be submitted by schools having no such fund.
- The report must correspond to the bank statement.

RAISING AND ADMINISTERING SCHOOL FUNDS	POLICY F-11

CATEGORY B. FUNDS RAISED FOR CHARITABLE OR OTHER WORTH-WHILE PURPOSES

1. POLICY STATEMENT

The following organizations or groups may be permitted to take collections, sell tickets or solicit subscriptions subject to Board approval. Except as expressly indicated otherwise by the Board and subject to any further conditions the Board may from time to time impose, any permission granted to such organizations is subject to the rules governing the use of pupils and regulations listed hereunder.

a) United Way

b) Junior Red Cross

c) UNICEF

d) Boy Scouts or Girl Guides

e) Poppy Day Campaign

f) Share Lent

g) Others as approved by the Board.

2. USE OF PUPILS

a) No pupil in a grade lower than grade 3 shall be asked to sell or canvass.

b) No pupil shall be held responsible for any loss incurred.

c) At no time shall pupils be permitted to be exempt from lessons or school work for selling or canvassing the community.

d) All pupils participating in canvassing, selling, collecting or soliciting subscriptions shall do so on a voluntary basis.

RAISING AND ADMINISTERING SCHOOL FUNDS	POLICY F-11

e) Care shall be taken not to exert undue pressure on the pupils to participate.

f) Project organizers must take every precaution to ensure the safety and physical welfare of those pupils who participate.

g) The sponsor organization shall respect the individual parent's wish not to participate or have his/her child participate.

3. REGULATIONS

a) Prior to the commencement of any fund raising project, the sponsor organization shall provide the Board with a signed liability release in a form specified by the Board for every person participating in the project (See «Appendix «A»).

b) Prior to the commencement of any fund raising project, the sponsor organization shall provide the Board with an indemnification agreement in a form acceptable to the Board, whereby the sponsor organization agrees to indemnify and hold harmless the Board, its officers, agents or servants from any and all claims arising from such fund raising projects or events related thereto, together with evidence in a form acceptable to the Board and its insurer of adequate insurance coverage whereby the Board, its officers, agents or servants will be indemnified and held harmless from any and all claims arising from such fund raising projects or events related thereto.

RAISING AND ADMINISTERING SCHOOL FUNDS	POLICY F-11

CATEGORY C. FUNDS RAISED ON BEHALF OF THE PARENT-TEACHER ASSOCIATIONS OF THE SCHOOL

1. POLICY STATEMENT

The decision to raise funds on behalf of the PTA or PAC of the school shall rest solely with the PTA or PAC. In such cases, the responsibility for raising, administering or accounting for these funds shall rest with these parent groups and not with the school and/or the Board. Access to the students with respect to any such fund raising on behalf of the PTA or PAC shall be done in consultation with the principal of the school. Except as expressly indicated otherwise by the Board and subject to any further conditions the Board may from time to time impose, access to students is subject to the rules governing the use of pupils and regulations listed hereunder.

2. USE OF PUPILS

a) No pupil in a grade lower than grade 3 shall be asked to sell or canvass.

b) Under no circumstances shall door to door canvassing be allowed.

c) No pupil shall be held responsible for any loss incurred.

d) At no time shall pupils be permitted to be exempt from lessons or school work for selling or canvassing the community.

e) All pupils participating in canvassing, selling, collecting or soliciting subscriptions shall do so on a voluntary basis.

f) Care shall be taken not to exert undue pressure on the pupils to participate.

g) PTA or PAC project organizers must take every precaution to ensure the safety and physical welfare of those pupils who participate.

h) The PTA or PAC shall respect the individual parent's wish not to participate or have his/her child participate.

3. REGULATIONS

a) Prior to the commencement of any PTA or PAC fund raising project, the sponsor organization shall provide the Board with a signed liability release in a form specified by the Board for every person participating in the project (See Appendix «A»).

APPENDIX «A»

RELEASE OF LIABILITY
(Read carefully before signing)

Whereas a fund raising project known as ____________________ ________________________________ (hereinafter referred to as «the project») is planned to begin on the ______________ day of ____________________ 19 _____;

And whereas ____ (hereinafter referred to as «the participant») wants to participate in the project;

In consideration of the participant being allowed to participate in the project I personally and on behalf of the participant do hereby release the School Board, its servants, officers or agents (hereinafter referred to collectively as «the Board») from all liability for any and all actions, causes of action, claims and demands of any nature, present and future, including negligence by the Board, for losses or damage of any and all descriptions, including, but not limited to losses, damage or injury to persons or property, and, without limiting the generality of the foregoing, from any and all recourses resulting from any decision of the Board relating to the project.

I acknowledge having read and understood the terms of this Release.

Dated this ________ day of ________________ 19 _____.

signed: ________________________________
participant or parent/guardian

NOTE: Where the participant is a minor (under 18) this Release MUST be signed by his or her parent or guardian.

Corrected: 87-05-20

SECTION: C
D

POLICY: C-9
D-3

HUMAN RESOURCES PLANNING/AFFIRMATIVE ACTION

POLICY

WHEREAS THE CONTINUING DEVELOPMENT OF HUMAN POTENTIAL AND MAXIMUM UTILIZATION OF INDIVIDUAL TALENT IS A GOAL TO WHICH EVERY ORGANIZATION SHOULD ASPIRE, AND

WHEREAS THIS CAN BE ACHIEVED ONLY THROUGH A COMMITMENT TO EMPLOYMENT EQUITY, AND

WHEREAS THE VISIBILITY OF WOMEN WHO ARE POSITIVE ROLE MODELS WILL BENEFIT STUDENTS WITHIN THE SYSTEM, AND

WHEREAS TEACHING MATERIALS AND PRACTICES MUST PREPARE OUR STUDENTS TO PARTICIPATE IN A SOCIETY IN WHICH THE ROLE OF WOMEN IS CHANGING,

IT SHALL BE THE POLICY OF THE BOARD THAT ALL BOARD EMPLOYEES AND STUDENTS HAVE AN OPPORTUNITY TO DEVELOP THEIR ABILITIES AND FULFILL THEIR ASPIRATIONS WITHOUT THE LIMITATIONS IMPOSED BY SEX-ROLE STEREOTYPING AND SYSTEMIC BARRIERS WHICH RESTRICT SUCH AN OPPORTUNITY.

RESOLUTION: 95-85 March 11, 1985	EFFECTIVE DATE: March 11, 1985

School District U

October 6, 1988

Dear Ms. Schafer:

As per your request of September 2, 1988, enclosed please find a copy of the School Board's written policy on sexual harassment for employees and students.

I trust that the above is satisfactory.

Sincerely yours,

HUMAN RESOURCES - MISCELLANEOUS

SEXUAL HARASSMENT

Policy

The School Board expects that all its employees, volunteers, and students will be free from sexual harassment.

Regulations:

1. Procedures For Complaints

   a) Step 1: Informal Discussion
   The complainant would contact any line superordinate with whom he/ she feels comfortable OR the person responsible for Affirmative Action, to discuss the situation and how it might be resolved.

   b) Step 2: Formal Complaint
   The complainant would submit a written account of the incident(s) to his/ her line superordinate with a copy to the person accused of harassment (who may also want to meet with a superordinate). All three (or four) people would meet to discuss the complaint and try to resolve the problem.

   c) Step 3: Resolution
   Either the complainant or the accused, or the superordinate could request a meeting of all parties with the Director of Education, or delegate, for a resolution. If the complaint is upheld the Director, or delegate, may request that a record of the incident(s) be placed in the accused's personnel file, subject to review.

BM p 401, 19 Jun 86.

School District V

Le 17 octobre 1988

Madame,

directeur du Service des ressources humaines, m'a priée de donner suite à votre demande en vous faisant parvenir la documentation concernant la politique pour contrer le harcèlement sexuel.

Vous trouverez ci-inclus:

- *document exposant l'ensemble de la problématique*
- *copie de la résolution adoptée par les Commissaires*
- *bulletin d'information "En bref"*.

Ce sont là, les informations actuellement disponibles sur le sujet. J'espère qu'elles vous seront utiles et que vous y trouverez réponse à vos interrogations.

Le dossier du harcèlement sexuel est à un premier stade de développement chez nous et nous sommes intéressés à connaître les actions réalisées dans d'autres milieux. A cet égard, nous apprécierions recevoir les résultats de votre recherche.

Espérant que ces informations répondront à vos attentes, je vous prie d'accepter, Madame Schafer, l'expression de mes sentiments les meilleurs.

DOCUMENT EXPOSANT L'ENSEMBLE DE LA PROBLÉMATIQUE DU HARCELEMENT SEXUEL EN MILIEU DE TRAVAIL

6 juin 1988

Adopté le 15 juin 1988

CONSEIL DES COMMISSAIRES

Session régulière du 15 juin 1988

~~PROJET~~

XX Service des ressources humaines - projet de politique concernant les moyens de contrer le harcèlement sexuel

Document déposé: rapport no A-29-956 en date du 6 juin 1988 de concernant le sujet en référence.

CONSIDÉRANT le rapport soumis concernant un projet de politique sur les moyens de contrer le harcèlement sexuel à la ;

CONSIDÉRANT qu'il y a lieu de mettre en place des mesures pour assurer le respect des droits des personnes dans ce domaine;

Eléments majeurs

CONSIDÉRANT la responsabilité de la , en tant qu'employeur, en regard du harcèlement sexuel, telle qu'elle est fondée dans la Loi canadienne sur les droits de la personne et le texte des ententes provinciales régissant les personnels, pour les années 1986-1988;

CONSIDÉRANT que les associations et les syndicats ont été consultés;

Il est RÉSOLU:

1o d'ADOPTER la politique suivante:

POLITIQUE CONCERNANT LES MOYENS DE CONTRER LE HARCELEMENT SEXUEL

1.1 Objectif

Cette politique a pour but d'assurer un climat de travail exempt de toute forme de harcèlement sexuel.

1.2 Définition

Le harcèlement sexuel se définit par des avances sexuelles non consenties ou imposées pouvant prendre la forme de sollicitations verbales ou gestuelles qui peuvent, soit perturber l'environnement de travail, soit se répercuter sur l'état de santé, la qualité ou le rendement au travail ou encore nuire aux chances d'avancement dans la fonction ou constituer un risque pour l'emploi, bref, compromettre un droit découlant des conventions ou des ententes en vigueur.

Dans ce sens, le harcèlement sexuel constitue une forme de discrimination basée sur le sexe; c'est un acte illégal, contraire aux dispositions des articles 10 et 10.1 de la Charte des droits et libertés de la personne.

Ces pratiques peuvent donc s'exprimer de diverses façons:

- demandes de faveurs sexuelles ou de propositions non désirées ou non sollicitées;
- remarques, insultes, plaisanteries et commentaires à caractère sexuel portant atteinte à la dignité humaine ou au bien-être de l'autre personne;
- menaces, représailles, refus de promotion, congédiement ou autres injustices associées à des faveurs sexuelles non obtenues;
- toute autre manifestation à caractère sexuel offensante pour une personne.

1.3 Champ d'application

Cette politique s'applique à tous les employés de la , hommes et femmes.

Elle concerne les relations entre patrons et employés, entre employés eux-mêmes, ainsi qu'entre employés et personnes de l'extérieur dans le cadre du travail.

1.4 Principes

1.4.1 La entend protéger le droit de toute personne à un milieu de travail exempt de harcèlement sexuel.

1.4.2 La reconnaît que, en cas de harcèlement sexuel, des mesures efficaces doivent être prises afin de le faire cesser.

1.4.3 La reconnaît que toute personne victime de harcèlement sexuel a le droit d'être protégée par des mécanismes d'aide et de recours appropriés.

1.5 Moyens

1.5.1 Sensibiliser tous les gestionnaires et les employés sur la notion de harcèlement sexuel et sur la position de la à ce sujet.

1.5.2 Mettre en place un mécanisme d'aide et de recours à l'intention des victimes de harcèlement sexuel.

1.6 Mécanismes

1.6.1 Offrir à toute personne qui se croit victime de harcèlement sexuel d'obtenir, sur une base volontaire et, entre autres moyens, une aide auprès d'un(e) psychologue consultant(e) du programme d'aide au personnel, dans le but d'une recherche de solutions pour faire cesser le harcèlement.

1.6.2 Offrir à la personne concernée l'opportunité de soumettre la situation problématique à son supérieur immédiat.

1.6.3 Offrir à la personne concernée l'opportunité de porter une plainte formelle en s'adressant au Directeur du Service des ressources humaines.

1.6.4 Convenir que les employés syndiqués peuvent, s'il y a lieu, procéder par la voie d'un grief selon les procédures prévues dans leurs conventions collectives respectives.

Pour les plaintes adressées au Directeur du Service des ressources humaines, une procédure est établie;

2o de DONNER le mandat au Service des ressources humaines de prendre les moyens de sensibiliser tous les gestionnaires et les employés sur la notion de harcèlement sexuel et sur la position de la à ce sujet.

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POLITIQUE DE LA CONCERNANT
LES MOYENS DE CONTRER LE HARCELEMENT SEXUEL

1. Manifestation du harcèlement sexuel en milieu de travail

Des études prouvent que c'est au travail que le harcèlement sexuel s'exerce le plus fréquemment. En ce sens, il arrive que des personnes puissent subir des avances sexuelles pour être embauchées, conserver leur emploi, obtenir une mutation, une promotion ou une augmentation de salaire.

La situation de travail des personnes qui ont acquis leur sécurité d'emploi ne les met pas à l'abri de certaines de ces formes de chantage souvent plus subtiles, encore moins les personnes à statut précaire, notamment les suppléants-tes, les surnuméraires ou les remplaçants-tes.

Au niveau de la , il s'avère en ce moment impossible de cerner ce problème, d'en préciser les secteurs où ça se pratique ainsi que ses diverses formes de manifestation. Toutefois, certaines plaintes nous obligent à reconnaitre l'existence de la pratique du harcèlement sexuel et à proposer des mécanismes de protection à mettre en place pour les personnes qui en sont victimes.

2. Fondements de la responsabilité de la Commission

Le texte des Ententes régissant les personnels enseignant, professionnel et de soutien pour les années 1986-1988 [1] enjoint les commissions scolaires de prendre "les moyens raisonnables en vue de favoriser un milieu de travail exempt de harcèlement sexuel ou en vue de faire cesser tout harcèlement sexuel porté à sa connaissance".

Cette prescription s'inscrit dans le sens de la Loi canadienne sur les droits de la personne de 1977 qui demeure en vigueur malgré l'adoption de la Charte constitutionnelle des droits et libertés.

Ainsi, selon la Loi, "l'employeur est responsable des gestes fautifs posés par ses employés dans l'exercice de leurs fonctions" [2]. En conséquence, "si une personne se livre à du harcèlement sexuel dans l'exercice de ses fonctions, sa faute est susceptible d'engager la responsabilité civile de son employeur, en l'occurence la Commission" [3].

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[1] Voir textes en annexe 2,3,4

[2] Voir l'avis du Contentieux, en annexe 5

[3] Voir l'avis du Contentieux, en annexe 5

Le jugement unanime de la Cour suprême du Canada, prononce en juillet dernier, confirmait également que l'employeur est responsable du harcèlement sexuel d'un de ses employés. Il importe de reconnaître, suivant ce jugement, que seul l'employeur peut apporter le redressement le plus important, celui d'un milieu de travail sain, exempt de toute forme de discrimination.

En consequence, la Commission entend assumer sa responsabilité en ce domaine en adoptant la Politique suivante sur le harcèlement sexuel.

3. Politique de la concernant les moyens de contrer le harcèlement sexuel

3.1 Objectif

Cette politique a comme but d'assurer un climat de travail exempt de toute forme de harcèlement sexuel.

3.2 Définition

Le harcèlement sexuel se définit par des avances sexuelles non consenties ou imposées pouvant prendre la forme de sollicitations verbales ou gestuelles qui peuvent soit perturber l'environnement de travail, soit se répercuter sur l'état de santé, la qualité ou le rendement au travail ou encore nuire aux chances d'avancement dans la fonction ou constituer un risque pour l'emploi, bref compromettre un droit découlant des conventions ou ententes en vigueur.

Dans ce sens, le harcèlement sexuel constitue une forme de discrimination basée sur le sexe: c'est un acte illégal, contraire aux dispositions des articles 10 et 10.1 de la Charte des droits et libertés de la personnes.

Ces pratiques peuvent donc s'exprimer de diverses façons:

- demandes de faveurs sexuelles ou propositions non désirées ou non sollicitées;
- remarques, insultes, plaisanteries et commentaires à caractère sexuel portant atteinte à la dignité humaine ou au bien-être de l'autre personne;

- menaces, représailles, refus de promotion, congédiements ou autres injustices associées à des faveurs sexuelles non obtenues;
- toute autre manifestation à caractère sexuel offensante pour une personne.

3.3 Champ d'application

Cette politique s'applique à tous les employés de la , hommes et femmes.

Elle concerne les relations entre patrons et employés, entre employés eux-mêmes, ainsi qu'entre employés et personnes de l'extérieur dans le cadre du travail.

3.4 Principes

3.4.1 La entend protéger le droit de toute personne à un milieu de travail exempt de harcèlement sexuel.

3.4.2 La reconnait qu'en cas de harcèlement sexuel, des mesures efficaces doivent être prises afin de le faire cesser.

3.4.3 La reconnait que toute personne victime de harcèlement sexuel a le droit d'être protégée par des mécanismes d'aide et de recours appropriés.

3.5 Moyens

3.5.1 Sensibilisation de tous les gestionnaires et des employés sur la notion de harcèlement sexuel et sur la position de la à ce sujet.

3.5.2 Mise en place d'un mécanisme d'aide et de recours à l'intention des victimes de harcèlement sexuel.

3.6 Mécanismes

3.6.1 Toute personne qui se croit victime de harcèlement sexuel peut obtenir, sur une base volontaire et entre autres moyens, une aide conseil auprès d'un-e psychologue consultant-e du programme d'aide au personnel dans le but d'une recherche de solutions pour faire cesser le harcèlement.

3.6.2 Elle peut soumettre la situation problématique à son supérieur immédiat.

3.6.3 Elle peut également porter une plainte formelle en s'adressant à cette fin au Directeur du Service des ressources humaines.

3.6.4. Les employés syndiqués peuvent, s'il y a lieu, procéder par la voie d'un grief selon les procédures prévues dans leurs conventions collectives.

Pour les plaintes adressées au Directeur du Service des ressources humaines, une procédure est établie.*

/da

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* Voir texte de la procedure, à l'annexe 1

PROJET DE RESOLUTION

Politique de la ________ concernant les moyens de contrer le harcèlement sexuel.

Document déposé: un rapport no A-29.956 en date du 6 juin 1988 de concernant le sujet en référence.

==

CONSIDERANT qu'il y a lieu de mettre en place des mesures pour assurer le respect des droits des personnes, en ce domaine;

CONSIDERANT la responsabilité de la Commission scolaire, en tant qu'employeur, en regard du harcèlement sexuel, telle que fondée dans la Loi canadienne sur les droits de la personne et le texte des ententes provinciales régissant les personnels pour les années 1986-1988.

IL EST RESOLU

1° d'adopter la politique suivante concernant les moyens de contrer le harcèlement sexuel:

1.1 Objectif

Cette politique a comme but d'assurer un climat de travail exempt de toute forme de harcèlement sexuel.

1.2 Définition

Le harcèlement sexuel se définit par des avances sexuelles non consenties ou imposées pouvant prendre la forme de sollicitations verbales ou gestuelles qui peuvent soit perturber l'environnement de travail, soit se répercuter sur l'état de santé, la qualité ou le rendement au travail ou encore nuire aux chances d'avancement dans la fonction ou constituer un risque pour l'emploi, bref compromettre un droit découlant des conventions ou ententes en vigueur.

Dans ce sens, le harcèlement sexuel constitue une forme de discrimination basée sur le sexe: c'est un acte illégal, contraire aux dispositions des articles 10 et 10.1 de la Charte des droits et libertés de la personnes.

Ces pratiques peuvent donc s'exprimer de diverses façons:

- demandes de faveurs sexuelles ou propositions non désirées ou non sollicitées;
- remarques, insultes, plaisanteries et commentaires à caractère sexuel portant atteinte à la dignité humaine ou au bien-être de l'autre personne;
- menaces, représailles, refus de promotion, congédiements ou autres injustices associées à des faveurs sexuelles non obtenues;
- toute autre manifestation à caractère sexuel offensante pour une personne.

1.3 Champ d'application

Cette politique s'applique à tous les employés de la , hommes et femmes.

Elle concerne les relations entre patrons et employés, entre employés eux-mêmes, ainsi qu'entre employés et personnes de l'extérieur dans le cadre du travail.

1.4 Principes

1.4.1 La entend protéger le droit de toute personne à un milieu de travail exempt de harcèlement sexuel.

1.4.2 La reconnaît qu'en cas de harcèlement sexuel, des mesures efficaces doivent être prises afin de le faire cesser.

1.4.3 La reconnaît que toute personne victime de harcèlement sexuel a le droit d'être protégée par des mécanismes d'aide et de recours appropriés.

2° **de mandater** le Service des ressources humaines à procéder à la sensibilisation de tous les gestionnaires et des employés sur la notion de harcèlement sexuel et sur la position de la à ce sujet.

ANNEXE 1

PROCEDURE A SUIVRE CONCERNANT LES PLAINTES FORMELLES ADRESSEES AU DIRECTEUR DU SERVICE DES RESSOURCES HUMAINES

Le Directeur du Service des ressources humaines procède dans les meilleurs délais à une enquête suivant les moyens jugés appropriés, conseille la personne harcelée et intervient auprès du harceleur présumé et du supérieur hiérarchique concerné si nécessaire. Chaque cas est traité avec discrétion, dans la plus stricte confidentialité. Le Directeur s'engage à prendre les mesures appropriées, en concertation avec le Directeur général, s'il y a lieu, dans un délai de 20 jours après réception de la plainte.

Texte de convention collective

ANNEXE 2

ENSEIGNANTS 1986-1988

pp. 139-140

10-10.00 HARCELEMENT SEXUEL EN MILIEU DE TRAVAIL

10-10.01 Le harcèlement sexuel en milieu de travail se définit par des avances sexuelles non consenties ou imposées qui compromettent un droit qui découle de la présente convention.

10-10.02 L'enseignant a droit à un milieu de travail exempt de harcèlement sexuel; à cet effet, la commission prend les moyens raisonnables en vue de favoriser un milieu de travail exempt de harcèlement sexuel ou en vue de faire cesser tout harcèlement sexuel porté à sa connaissance.

10-10.03 L'enseignant qui prétend être harcelé sexuellement peut s'adresser à un représentant de la commission pour tenter de trouver une solution à son problème; lors de toute rencontre avec la commission dans le cadre de la présente clause, un représentant syndical peut accompagner l'enseignant, si celui-ci le désire.

10-10.04 Tout grief de harcèlement sexuel en milieu de travail est soumis à la commission par le plaignant ou par le syndicat avec l'accord de celui-ci selon la procédure prévue à l'article 9-1.00.

10-10.05 Dans les dix (10) jours de la demande écrite du plaignant, la commission et le syndicat forment un comité ad hoc composé d'un membre désigné par chaque partie.

Ce comité a pour mandat d'étudier le grief, les faits et les circonstances qui en sont à l'origine et de recommander, le cas échéant, les mesures qu'il juge appropriées.

Le comité remet son rapport dans les trente (30) jours qui suivent la date de la demande de sa formation.

10-10.06 Le nom des personnes impliquées et les circonstances relatives au grief doivent être traités de façon confidentielle, notamment par la commission et les membres du comité, sauf lorsque leur divulgation est nécessaire aux fins de l'enquête relative au grief ou de l'application d'une mesure prise en vertu de la convention.

10-10.07 A défaut d'une solution jugée satisfaisante, le plaignant ou le syndicat avec l'accord de celui-ci, peut déférer le grief à l'arbitrage selon la procédure prévue à l'article 9-2.00. S'il y a eu formation d'un comité, le grief est référé à l'arbitrage dans les quarante-cinq (45) jours du rapport du comité.

10-10.08 Un grief de harcèlement sexuel en milieu de travail est entendu en priorité.

Texte de convention collectif

ANNEXE 3

PROFESSIONNELS 1986-1988

pp. 6-7

1-5.00 **HARCÈLEMENT SEXUEL EN MILIEU DE TRAVAIL**

1-5.01 Le harcèlement sexuel en milieu de travail se définit par des avances sexuelles non consenties ou imposées qui compromettent un droit qui découle de la présente convention.

1-5.02 Le professionnel a droit à un milieu de travail exempt de harcèlement sexuel.

1-5.03 La commission prend les moyens raisonnables en vue de favoriser un milieu de travail exempt de harcèlement sexuel ou en vue de faire cesser tout harcèlement sexuel porté à sa connaissance.

1-5.04 Tout grief de harcèlement sexuel en milieu de travail est soumis à la commission par le plaignant ou par le syndicat avec l'accord de celui-ci selon la procédure prévue à l'article 9-1.00.

1-5.05 A la demande écrite du plaignant, les parties locales forment, dans les dix (10) jours suivant cette demande, un comité composé d'un (1) membre désigné par le syndicat et d'un (1) membre désigné par la commission.

1-5.06 Ce comité a pour mandat d'étudier le grief, les faits et les circonstances qui en sont à l'origine et de recommander, le cas échéant, les mesures qu'il juge appropriées.

Le comité remet son rapport dans les trente (30) jours qui suivent la date de la demande de sa formation.

1-5.07 Le nom du plaignant et les circonstances relatives au grief doivent être traitées de façon confidentielle, notamment par la commission et les membres du comité, sauf lorsque leur divulgation est nécessaire aux fins de l'enquête relative au grief ou de l'application d'une mesure prise en vertu de la présente convention.

1-5.08 A défaut de solution ou d'une solution jugée satisfaisante, le plaignant ou le syndicat avec l'accord de celui-ci peut référer le grief à l'arbitrage, selon la procédure prévue à l'article 9-2.00. S'il y a eu formation d'un comité, le grief est référé à l'arbitrage dans les quarante-cinq (45) jours du rapport du comité.

1-5.09 Un grief de harcèlement sexuel est entendu en priorité.

1-5.10 Malgré la clause 4-1.04, un grief de harcèlement sexuel en milieu de travail n'est pas soumis à la consultation du comité des relations de travail.

Texte de convention collective

ANNEXE 4

SOUTIEN 1986-1988

pp. 148-149

11-5.00 **RESPECT DES DROITS ET LIBERTÉS DE LA PERSONNE**

11-5.01 La commission et le syndicat reconnaissent que toute personne salariée a droit à l'exercice en pleine égalité des droits et libertés tel qu'affirmés dans la Charte des droits et libertés de la personne (L.R.Q. Chapitre C-12).

La commission convient expressément de respecter, dans ses gestes, attitudes et décisions, l'exercice par toute personne salariée en pleine égalité, de ces droits et libertés de la personne, sans distinction, exclusion ou préférence pouvant constituer une discrimination au sens de la Charte mentionnée au paragraphe précédent.

11-5.02 Aucune menace, contrainte, discrimination ou représaille ne sera exercée contre une personne salariée en raison de l'exercice d'un droit que lui reconnaît la présente convention ou la Loi.

11-5.03 Le harcèlement sexuel est une forme de discrimination fondée sur le sexe qui se définit par des sollicitations sexuelles non désirées ou imposées qui peuvent prendre la forme de sollicitation verbales ou gestuelles.

11-5.04 Les parties s'engagent à ne pas publier ou distribuer d'affiches, d'avis ou de brochures sexistes.

ANNEXE 5

RECU

1987 MAR 11

SERVICE DES RESSOURCES HUMAINES
BUREAU DE DÉVELOPPEMENT

SERVICE DU CONTENTIEUX

Le 10 mars 1987

Bureau de développement
Service des ressources humaines

Sujet: Harcèlement sexuel
Responsabilité civile
Demande d'opinton juridique

Madame,

En réponse à votre lettre du 2 mars courant dans laquelle vous sollicitez l'opinion du Service du contentieux sur la responsabilité civile de la Commission découlant d'actes de harcèlement sexuel dont seraient victimes certains (ou peut-être même certaines) de ses employés, il me fait plaisir de vous faire part ci-après de mes observations préliminaires sur cette question.

Il faut tout d'abord préciser qu'il n'est pas possible, en matière de responsabilité civile, de donner des éléments de réponse précis à des questions formulées en termes très généraux, comme celles que vous soulevez dans votre lettre du 2 mars. La détermination de la responsabilité civile est affaire de faute et de circonstances. Il y a donc lieu de rappeler les principes généraux de la responsabilité civile, qu'il faudrait appliquer, le cas échéant, aux cas de harcèlement sexuel.

Le premier principe général de la responsabilité civile, que l'on retrouve à l'article 1053 du Code civil, c'est que toute personne est responsable du dommage causé à autrui par sa faute. Par exemple, si une personne se livre à du harcèlement sexuel contre une autre personne et lui cause ainsi des dommages, ce dont cette dernière devra faire la preuve, alors la première personne engagera sa responsabilité civile à l'égard de la seconde et devra l'indemniser du préjudice causé par sa faute, qui consiste en l'occurrence en du harcèlement sexuel.

...2

En second lieu, l'article 1054 du Code civil pose le principe que l'employeur est responsable des faits et gestes fautifs posés par ses employés dans l'exercice de leurs fonctions. Par conséquent, et c'est ici l'élément le plus précis de réponse que je puisse fournir à votre question, si une personne à l'emploi de la Commission se livre à du harcèlement sexuel dans l'exercice de ses fonctions, sa faute est susceptible d'engager la responsabilité civile de son employeur, en l'occurrence la Commission. En troisième lieu, il est bon de rappeler que le harcèlement sexuel est interdit en vertu de la Charte des droits et libertés de la personne du .

Je précise, en terminant, que certains jugements ont été rendus dans un passé récent tenant des employeurs responsables et les condamnant à payer des dommages-intérêts suite à des actes de harcèlement sexuel posés par des employés (qui étaient, règle générale, en position d'autorité) à l'égard d'autres employés (généralement des subalternes de sexe féminin). Pour évaluer la responsabilité civile de l'employeur en de tels cas, il faut se référer aux circonstances particulières qui font de chaque situation un cas d'espèce: l'employeur était-il au courant des manoeuvres de harcèlement sexuel? combien de temps l'a-t-il toléré? a-t-il sévi contre l'employé coupable de harcèlement sexuel? a-t-il congédié la victime? qu'a-t-il fait après avoir été informé de la situation de harcèlement sexuel? quels dommages a subis la victime?

C'est en considérant l'ensemble de ces circonstances que les tribunaux en arrivent à trouver des employeurs responsables pour des actes de harcèlement sexuel commis par des employés dans l'exercice de leurs fonctions.

Tels sont les paramètres juridiques qui encadrent la réponse à la question formulée dans votre lettre du 2 mars. Il va de soi que je demeure à votre disposition pour discuter de cette question complexe et intéressante en droit, sinon en faits.

Veuillez agréer l'expression de mes sentiments les meilleurs.

Le directeur

ANNEXE 6

LA COMMISSION

DIRECTION GENERALE

Réunion du 15 décembre 1987

XI Politique concernant les moyens de contrer le harcèlement sexuel

Document déposé: Rapport no A-29-826 en date du 4 décembre 1987 de concernant le sujet en référence.

Le document ci-haut déposé propose une politique sur les moyens que la Commission entend prendre pour assumer sa responsabilité en regard du harcèlement sexuel.

élément déclencheur

CONSIDERANT que les textes des conventions collectives régissant le personnel enseignant, le personnel professionnel et le personnel de soutien demandent aux commissions scolaires de ce doter de moyens pour contrer le harcèlement sexuel;

Il est CONVENU:

1o d'ACCEPTER le projet de politique proposé au document ci-desus;

2o de DEMANDER cependant au Service des ressources humaines:

  a) d'INDIQUER le genre de plaintes dont la Commission a déjà été saisie à ce sujet;

  b) de REVOIR, si possible, les délais prévus à l'annexe 5 du rapport déposé;

3o de SOUMETTRE le projet de politique aux commissaires, pour étude et décision.

en bref

Bulletin d'information publié par le Service des ressources humaines

À l'intention des cadres, gérants et directions d'école

VOL. 8, NO 4 OCTOBRE 1988

POLITIQUE VISANT À CONTRER LE HARCÈLEMENT SEXUEL

Le 15 juin 1988, le Conseil des commissaires votait la ***Politique de la concernant les moyens de contrer le harcèlement sexuel*** et confiait au Service des ressources humaines le mandat d'en informer ses gestionnaires et son personnel.

Par cette politique, la entend protéger le droit de toute personne à un milieu de travail exempt de harcèlement sexuel.

C'est d'abord une question de principe mais aussi une obligation légale et une responsabilité. Tous les gestionnaires se doivent d'assumer cette politique, c'est-à-dire la connaître, la diffuser et veiller à ce qu'elle soit appliquée de façon efficace dans leur milieu.

Dans ses grandes lignes, cette politique définit le harcèlement sexuel comme des avances sexuelles non consenties ou imposées qui peuvent porter atteinte à la qualité de vie au travail et nuire au cheminement professionnel. Elle concerne tout le personnel de la hommes et femmes et vise les relations entre patrons et employés-es, entre employés-es mêmes ainsi qu'entre employés-es et personnes de l'extérieur, dans le cadre du travail.

L'engagement de la est clair : face à une situation de harcèlement sexuel, les moyens seront pris pour qu'il cesse. Enfin, pour assurer le respect des droits de la personne victime, des mécanismes et des procédures ont été prévus. (Plus de détails se trouvent à la page suivante.)

J'espère que ces lignes vous auront permis de vous familiariser avec cette nouvelle politique et ainsi en assurer l'application judicieuse dans votre milieu.

Directeur
Service des ressources humaines

LA PAROLE EST À VOUS

Afin que le bulletin *en bref* réponde à vos attentes, au niveau de l'information, vous êtes invités à communiquer vos questions et vos suggestions, en téléphonant à

Extraits de la politique de la concernant les moyens de contrer le harcèlement sexuel

MÉCANISMES

Offrir à toute personne qui se croit victime de harcèlement sexuel d'obtenir, sur une base volontaire et, entre autres moyens, une aide auprès d'une ou d'un psychologue consultant du Programme d'aide au personnel, dans le but d'une recherche de solutions pour faire cesser le harcèlement. (1.6.1)

Offrir à la personne concernée l'opportunité de soumettre la situation problématique à son supérieur immédiat. (1.6.2)

Offrir à la personne concernée l'opportunité de porter une plainte formelle en s'adressant au Directeur du service des ressources humaines. (1.6.3)

Convenir que les employés syndiqués peuvent, s'il y a lieu, procéder par la voie d'un grief selon les procédures prévues dans leurs conventions collectives respectives. (1.6.4)

Pour les plaintes adressées au Directeur du Service des ressources humaines, une procédure est établie. (1.6.4)

PROCÉDURE À SUIVRE CONCERNANT LES PLAINTES FORMELLES ADRESSÉES AU DIRECTEUR DU SERVICE DES RESSOURCES HUMAINES

Le Directeur du Service des ressources humaines procède dans les meilleurs délais à une enquête suivant les moyens jugés appropriés, conseille la personne harcelée et intervient auprès du harceleur présumé et du supérieur hiérarchique concerné si nécessaire. Chaque cas est traité avec discrétion, dans la plus stricte confidentialité. Le Directeur du Service des ressources humaines s'engage à prendre les mesures appropriées, en concertation avec le Directeur général, s'il y a lieu, dans un délai de 20 jours après réception de la plainte.

Pour toute information supplémentaire, veuillez contacter du Bureau de développement organisationnel et de perfectionnement (B.D.O.P.), au poste

School District W

December 13th 1988

Dear Ms Schafer,

In response to your letter dated november 15, 1988 concerning our school district policy on sexual harassment, it is a pleasure for me to forward to you the following informations.

In the   a sexual harassment policy is presently in a developmental stage. It is an objective which is integrated into our programm for access to equality for woman.

It is this programm wHich stimulated us in articulating such a sexual harassment policy. The specific objectives pursued are:

- the elaboration of a sexual harassment policy;
- the organization of eight information sessions addressed to the personnel of the school district informing them of the existance of such a policy and the impact on the work atmosphere.

We are presently researching the existing policies and the ressources available to dispatch informations and formation.

Hoping that this information will be helpful in your research.

Yours truly,

School District X

No Reply